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**Citation: Barrett, Gareth Paul (2020) Groups, governance and the development of UK alcohol policy: an adversarial policy communities approach. [Thesis] (Unpublished)**

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# **Groups, governance and the development of UK alcohol policy: An Adversarial Policy Communities Approach**

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A thesis presented for the Degree of Doctor of Philosophy

**Department of Politics  
Birkbeck, University of London**

January 2020

## **Declaration of Work**

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## **Abstract**

The governance of UK alcohol policy looks like a textbook case of decision-making by a closed community of policymakers and industry insiders, but this thesis challenges this view. Drawing on Jordan and Richardson's policy communities approach and Dudley and Richardson's later work on adversarial policy communities, it examines the complex development of UK alcohol policy using archival sources, government and pressure group reports, news releases and historic media coverage going back over a century. The primary focus of this research is Westminster, but the importance of subnational policy communities is also considered through an examination of Scottish alcohol policy development. Through case studies of four key areas of UK alcohol policy – licensing, drink-driving, pricing and wider alcohol strategies – this thesis finds that the governance of UK alcohol policy is formed within policy communities, but ones that are much less closed and much more adversarial than traditionally thought. Alcohol-producer groups exert significant influence on UK alcohol policy, but their influence peaked in the 1960s. Thereafter, policy communities fragmented as intra-industry divisions widened and public health groups made their influence felt. This research demonstrates that the policy community approach, in its adversarial form, remains relevant for understanding periods of policy stability and more radical reform in British politics. Further work is nonetheless required to understand more clearly the politics of collaboration and outsourcing within this variant of policy communities.

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## **Acknowledgments**

Firstly, I would like to thank my supervisors Dermot Hodson and Ben Worthy. Over what has been too many years, you have provided counsel, support and guidance that went above and beyond the supervisor/supervisee relationship. To Dermot, the entire basis of this thesis began with a discussion of my previous job role and your family history relating to the production of Guinness when I was still working on my Master's degree – it has been an interesting journey! Alongside your dedicated focus to encourage progress in writing, convincing me that there is only so much time I can spend at the National Archives and confidence in redirecting me when I went off-piste, I have enjoyed every conversation and meeting as this thesis developed. Beyond this core project I have enjoyed the debates and conversations regarding the development of policy in other areas, the challenges of the European Union and, on-topic, the vital life lesson that is usually better discussing politics over a pint. I hope that the submission of this thesis is not the end of these discussions and look forward to whatever opportunities exist in for future collaboration.

To my friends, who have had to bear with me as I spent many years researching and writing, can I thank you for your support – especially to Michelle Thorpe and my godson Oliver who have both been a constant source of encouragement and joy as I have slowly made progress. To my former colleagues, especially David Wilson and Neil Williams, I would like to acknowledge your support and challenges as I began on this academic adventure. Your availability for discussions on sources for evidence and memories of reports or statements that were published proved vital to better understanding the topic.

Fellow Birkbeck PhD students have made this journey to submission more manageable, enjoyable and practical through your questions, concerns and challenges throughout my several years in research. The opportunity offered by Birkbeck is considerable and the variety of research (and researchers) allowing for connections that would not normally be made. There is success for all found in the success of one at Birkbeck – and I hope that all my colleagues feel the same about the opportunity we have been given.

My younger brother Tim has been both an inspiration and a challenge throughout this process. Offering occasionally unsolicited advice and support, he has used his own PhD experience to help guide me on my own, something for which I am very grateful. Little things can also make a difference and in writing this thesis, sources of calm and reflection have been most welcome. This was ably assisted by our family's cat Tigger, who sadly is no longer with us, but who would make sure I had both a source of comfort and something else to concern myself with throughout any attempt to make progress on drafting.

To my parents; I simply would not have been able to get to this point without your combination of support, care and prodding. I hope you are as pleased as I am that this thesis will no longer need any further proofreading. You have sustained me throughout this and made sure I was never able to contemplate giving up.

Thank you.

## Chapter 1

### Government, policy, legitimacy and the study of alcohol

The debate surrounding the governance of alcohol has attracted attention for centuries. Alcohol policy has been an area of interest, from concerns over drunkenness raised as far back as pamphlets in the 16<sup>th</sup> century (Nicholls, 2010, p. 11-13), to Hogarth's Beer Street and Gin Lane, the temperance movement with its social advocates such as Dr Barnado or the contemporary public health actors such as the Chief Medical Officer. The headlines are frequented with questions surrounding the governance of alcohol, with a perceived success of alcohol industry interests, and the comparative limited success of social or public health advocates (see King (2015, p. 138) and Harkins (2010)). Major changes on alcohol policy have been infrequent, but it is a policy area that has been affected by, and arguably affected, policy interventions for several hundred years. It gets a regulatory mention in *Magna Carta* back in 1215 and the Worshipful Company of Brewers claim that first tax on beer was some 27 years earlier.

There have been legislative and regulatory interest into alcohol for centuries (outlined in Annex A, table A.1.) – with licensing, taxation and health considerations. Major changes going both towards more restrictions and greater liberalisation, in a pattern that rarely repeats, but may be considered to have phases of development. A brief analysis of the nineteenth, twentieth and twenty-first centuries indicates a phase from the late 1860s running up to the 1920s when the sector came under increasing restrictions and greater regulatory oversight. Then a static period up until the beginning of the 1960s which then saw a rapid liberalisation, with some further measures, but generally a consistent position following, with the notable exception of drink-driving laws. This was up until the major reforms in the early twenty-first century, followed by a short period of greater regulation and restriction – which brings us to the current time when direction became more divided between Scottish and the UK government policy.

This thesis is interested in the question of who governs UK alcohol policy. The idea that this area of policy-making is dominated by the alcohol industry is prevalent in the literature. An example of this is found from Gornall (2014a) in the

development of alcohol pricing policy, who states that, 'the government consultation into introducing a minimum unit price for alcohol in England and Wales was a sham and that politicians ignored the strong health evidence in favour of protecting the interests of industry'. Gornall (2014a) argues that the regular contact with the industry, alongside campaigns and Parliamentary groups indicated that the government never actually intended the policy to come into existence, with agreements almost already in place. Similarly Gornall (2014c) when considering the arrangements for extra licensing hours at the football World Cup again reiterates the closeness to government to the alcohol sector and the lack of consultation with the public health community on extending licensing hours on match days. A more indirect argument of the pervasiveness of the alcohol sector is made by Gornall (2015) in his analysis that NICE (National Institute for Clinical Excellence), being apparently overruled on making policy relating to alcohol, an area which it has sought to expand its purview. This cluster of coverage, on everything from pricing, to licensing and regulatory structure, suggests that alcohol interests were both pervasive and dominant. Several other studies also suggest that the industry-led interests dominate UK alcohol policy, Babor (2010) sees public health interest groups as lacking resources and access compared to alcohol interest groups. Alcohol Justice, previously called the Marin Institute for the Prevention of Alcohol and Other Drug Problems, published research that argues that long-term support of politicians from the alcohol sector in elections has given significant weight to the sector's arguments (Marin Institute, 2008).

This thesis does not question the influence of the alcohol industry on alcohol policy, but it does question whether the alcohol sector is dominant. It considers the comparative roles played by the alcohol, regulatory and the public health interests in the context of policy development. To better understand the roles played, the policy intent, the route of development and the range of concerns that led to policy outcomes, the roles of various other actors such as public health groups, regulatory groups such as the Local Government Association or Magistrates' Association, and case study specific groups such as drivers or transport interests, alongside the role of new regional venues such as Scotland will also be considered.

### **1.1. Policy Communities – a British typology?**

Lasswell (1936, p. 295), when considering the role that groups and interests play in policy, offered that, 'the study of politics is the study of influence and the influential'; demonstrating that the relationship between government and interest groups has long been a central preoccupation of political science. This thesis seeks to understand influence and dominance in the development of alcohol policy. Is power in the hands of a few, illegitimate and distant from the needs of the electorate? When reflecting on this within the realms of alcohol, it offers an opportunity to consider perceptions of power and influence, how policy is developed and what role is really played by alcohol producing and retailing groups.

In his seminal work, *Who Governs? Democracy and Power in an American City*, Robert Dahl (1961) challenged the conceptualisation that decision-making in the United States was dominated by elites. Basing his analysis on case studies within New Haven, Connecticut, Dahl demonstrated that interest groups influenced government decisions in education, urban planning and political appointments, but concluded that no one socio-economic group monopolised the political process across all three policy areas – influence within one policy element was not a wider guarantee of being influential. He also outlined how organised groups can take on the democratic consciousness of the 'individual' within the system by representing their views with a collective voice. This was a form of indirect democracy, maintained by a competitive environment and changing internal balances. This contrasts to the model of elites from Pareto (1901), Mosca (1939) and Michels (1915) that separated the entire influence of groups from a compatibility with democracy, with elitism separate from political control or influence, refocused the influence of groups into a context that could be a tool of, or indeed a key feature of, a democratic system. This pluralist conception of group politics, developed not only by Dahl, but also scholars such as Arthur F. Bentley (1967), Walter Lippmann (1922, 1927) and David Truman (1962), has been roundly criticised by scholars. 'The flaw in the pluralist heaven is that heavenly chorus sings with a strong upper-class accent,' argued Elmer Eric Schnattschneider (1960), a pioneer of neo-pluralism. Connolly (1969) was especially critical of the attempts to find legitimacy in exclusory arrangements that hampered disorganised interests, often being in

tune with Lowi (1969) and his concerns over the intentionally exclusive nature of interest's ability to demonstrate that interest. Mancur Olson (1971) showed that whilst money will always matter, it is also motivation, with smaller groups better placed, all other things being equal, to overcome the logic of collective action that occurs when the individuals can free-ride on the efforts of others to influence politicians.

That pluralistic model was both complemented and challenged by the classic iron triangle model of American policy development – a model of three participants – interest groups; the administration's representative (whether an agency or department); and the relevant congressional committee. This model, which received much of the literature's interest in the 1950s and much of the 1960s, with notable contributions from McConnell (1966) and Lowi (1964) though later criticised as rigid and lacking an ability to adapt to changing circumstances – although there was arguably much more nuance in the literature. Hugh Heclo (1978) offered an alternative vision in developing the concept of an issues network, more open, more disparate model of group engagement – with fewer rules and fewer relationships. For Hugh Heclo (1978, p. 102) these issue networks 'comprise a large number of participants with quite variable degrees of mutual commitment or of dependence in others environment', meaning that there is no necessity for all to agree, or none. Indeed, their relationships are not one of mutual benefit, being rather more individualistic in their nature.

Dahl is best remembered for his works within US politics, but began with studying the British political system. In his, regrettably often neglected, study of British socialism in the inter war period, Dahl (1947) explored the trade union movement's unsuccessful attempts, through its influence on the Labour Party, to gain a decision-making role in industrial policy. As powerful as the unions were, Dahl records, the leadership of the Labour Party agreed only to consult workers on industrial policy, a position on which it remained steadfast even after the party took power in 1945. Ultimately, Dahl concluded, the Attlee administration chose the politics of 'community over interest group', the former being expressed through ministries held accountable to Parliament, as 'the sole majoritarian in Britain' (Dahl, 1947, p. 899). Insightful though this analysis was, students of British

politics were slow to embrace the study of interest groups. A decade later, Samuel Beer (1956) would bemoan the surprising lack of interest in British pressure groups. His work stimulated others, but still tried to find reflections of the American system within the United Kingdom, whilst offering the first broad attempt to consider a British system.

Jeremy Richardson and Grant Jordan's *Governing Under Pressure* (1979) was arguably the first systematic attempt to develop a theory of group politics exclusively on the basis of the British experience. 'It is the relationship between committees, the policy communities of departments and groups, the practice of co-optation and the consensual style,' Richardson and Jordan conjectured, 'that perhaps better accounts for policy outcomes than do examinations of party stances or parliamentary influence' (Richardson & Jordan, 1979, p. 74). The terminology of community was influenced by Hecla and Wildavsky (1974) in their analysis of HM Treasury's relationships with other government departments. They had compared the process of policy development as being comparable to that of a small village community, with comparisons to the close relationships between participants, that whilst they may occasionally be in conflict, they will usually come to agreement, and all peacefully co-exist around the village green. The commonality in terminology between these approaches is clear, but also the intended focus on collaboration, mutual benefit and negotiation.

For the analysis of the British policy style this was provocative to existing approaches in at least two respects. Firstly, it challenged prevailing views of 'British policy-making as a process played out between the electorate, Parliament and Cabinet' (Richardson & Jordan, 1979, p. 41), de-emphasising the roles of ministers and Members of Parliament at the centre of democracy, whilst emphasizing the role of the interest groups and civil servants. Secondly, the emphasis on consensus and the ability to be consensual was at odds with the UK's public conflict between the government and groups over industrial relations under Labour and Conservative Governments in the 1970s. Yet in spite of the book's title, the policy communities approach was more interested in instances of political exchange than pressure group politics. From the perspective of governments – across both parties, the embrace of interest groups offered a means to avoid or, at



the least, hide conflict (Richardson & Jordan, 1979, p. 175). This concern over conflict related not only to policy formulation but also policy implementation, where groups had the power to stop the best-laid plans of civil servants and deny the necessary resources to actually deliver the policy. The authors highlighted the importance of clientelism, whereby government departments used interest groups as leverage in their battles with other parts of Whitehall – policy communities became champions and assets. For interest groups, policy communities offered influence and legitimacy, albeit at a cost of, *inter alia*, reducing freedom for manoeuvre and increasing political vulnerability.

Literature since Richardson and Jordan (1979) has tended to narrowly define policy communities as closed, strictly stable relationships, such as the Marsh and Rhodes (1992a) typology that sees policy communities as the closed, rigid end of a scale of different policy networks. This interpretation, or reinterpretation of policy communities continues to a more spectrum analysis in Rhodes (1997) and Bevir and Rhodes (2003) – incrementally becoming both more closely defined – and less observable. For the majority of subsequent interpretations policy communities came to be seen as closed relationships that favoured stability rather than change, while Richardson and Jordan's (1979) original conception of group politics was much more open and dynamic. The construct acknowledged the tendency of policy communities to pre-empt new legislation and the ability of some groups to penetrate, and arguably dominate, the consultative system. However, it also highlighted the alternative channels of influence open to such groups, including parliament and the media – that were often sacrificed, but still occasionally activated. For instance Richardson and Jordan (1979, p. 127) gave the example of how environmental groups used backbenchers to highlight concerns over road haulage that had been neglected by the Minister of Transport, which had tended to ignore the interests of that group within the alternative system. This combination of approach demonstrates that the central, core element was the key position of groups – it could be exclusionary, but only to groups who could not deliver some required element that allowed for policy development and implementation. In comparison to the US models that either saw a purely pluralist model of open systems or the neo-pluralist system that more neatly accepts a closed model,

policy communities in their original form offered neither exclusively – the door was often shut, but very rarely locked.

That the traditional approach of policy communities came to be seen as closed, and somewhat conservative, interpretation of relationships between governments and particular interest groups was influenced by the subsequent work of Richardson and, particularly, Jordan's in this field. '[B]oth government and groups will share an interest in the avoidance of sudden policy change,' Jordan and Richardson (1982, p. 93-94) in a follow up article to *Governing Under Pressure* – increasing and clarifying the element of incrementalism common in interpretations of policy communities. This journey from original concept to being focused on a usual behaviour as an indication of activity or ability to act led to differing directions of development by the approach's originators.

In 1990, Grant Jordan had arrived at an even more static conception of policy communities, which he defined as 'a special type of stable network' (Jordan, 1990a, p. 327), adding that, 'a policy community exists where there are effective shared 'community' views on the problem. Where there are no such shared views no community exists.' He further assessed that, 'the policy community is one type of network, it is a network which has achieved, at least temporarily, understandings which benefit all participants', (Jordan, 1990b, p. 472). Jordan's development was influenced here by Rod Rhodes (1988), a pioneering theorist of British politics, who situated policy communities within a wider taxonomy of group politics, a taxonomy, as earlier stated, that continues to grow. Rhodes (1997) contrasted the 'stability, highly restricted membership, vertical interdependence, [and] limited horizontal articulation' of policy communities with the 'unstable, large number of members [and] limited vertical interdependence' of issues networks. This consideration is further developed within Maloney, Jordan and McLaughlin (1994, p. 37) with a refocus on the comparatively limited incrementalism of the policy community process, accompanied by its style of negotiation, making the argument that, 'Acceptance of this principal rule - premised upon the shared attitudes and values of community members - shapes participants' behaviour. If bargainable incrementalism is not acceptable then groups must find another mode through which to pursue their goals. A group which rejects bargainable incrementalism

excludes itself from that policy making arena. Thus, it is the (incremental) process of policy change which drives behaviour,' (Maloney, Jordan and McLaughlin, 1994, p. 37).

Despite this refining of his understanding Jordan (2005) still finds criticism for Grant (2005a, 2005b), who makes an argument for reconsideration of policy communities existence in finding, within the fire service, what could be considered in many ways a near perfect type for the more traditional typology. The overall comparison is that policy communities are to neo-pluralism, this taxonomy seems to suggest, as pluralism is to issue networks. This both stretched and marginalised the original model, which sought to explain relationships that led to policy, in seeking to answer criticism the purview of policy influence was narrowed, rather than seeking to understand if any external factor was missing that could explain or overcome elements of the critique.

Whilst much of the literature that followed the first approach of policy communities sought to either criticise or marginalise policy communities within a wider policy network's typology, Richardson's work on policy communities went in a different direction that refined the original approach in an attempt to grapple with the problem of policy change (Richardson, 2000). A key contribution in this respect is the idea of adversarial policy communities (Dudley and Richardson (1996)). Simply put, such communities refer to a situation in which a traditional or 'core' policy community faces a challenge from an alternative policy community in ways that contribute to dynamic policy change (Dudley and Richardson, 1996, p. 67). The two communities engage not in a process of deliberation or even negotiation, the authors suggest, but instead compete for influence in different arenas (Dudley and Richardson, 1996, p. 67). A case in point, they suggest, is the evolution of British trunk roads policy between 1945-95, which saw an emergent environmental community engage with public inquiries on highways in ways that disturbed the core policy community between the road lobby and the Department of Transport. The result was a significant policy change which saw Ministers change or cancel specific road building projects and reconsider trunk roads policy more generally.

## **1.2. Alcohol policy – influence and the influential**

The governance of alcohol policy in the UK would appear to be a textbook case of decision-making that is dominated by a particular interest group. Considering exclusively the 21<sup>st</sup> century, claims about the influence of the drinks industry on UK alcohol policy in political debates are pervasive. Whilst alcohol policy covers a huge range of activities – some of which – from food safety to exports will not be covered. Instead the focus will be on regulatory interventions that have, or are intended to have, positive influences on the negative health and social elements of alcohol consumption. These include its licensing for sale and cost, any broad-based interventions and arguably the most covered or reviled negative side effect – harm from drink-driving. Babor (2010) in his study of alcohol policy across the world clearly defines an argument between the use of public health policy and policy influences by economic or social interests.

Whilst Greenaway (2003) gives a broad historical overview, his further work on consideration of the Licensing Act 2003 (2011), argues that if the alcohol interests are perceived as winning, it is down to the framing of the issue. In effect – agenda and venue are considerations that are vital for interpreting alcohol policies impact, rather than necessarily the participants. More recently, arguably clustered since the licensing reforms of the early 21<sup>st</sup> century, or equally surrounding peak alcohol consumption in the United Kingdom in the late 20<sup>th</sup> and early 21<sup>st</sup> centuries (Sheen, 2014), several studies have shown the ways in which the considered negative, industry-led interests have appeared to dominate policy. The argument made by Babor (2010) is in effect made that it is one of differential resources, with the inability to make the case the reason for apparent defeat of public health interests, and therefore harm to the public good. Citing Casswell (1995) the case is made that ‘these include ongoing lobbying of politicians and other politicians and working through the mass media to influence both public opinion and the political climate’, (Babor, 2010, p. 228).

The idea that UK alcohol is dominated by a closed policy community can be found in the work of Holden and Hawkins, alongside McCambridge, who in a series of articles describe the governance of UK alcohol policy as, in effect, a closed policy community premised on a privileged relationship between representatives of the

alcohol industry and the Department of Health, the Home Office and the Treasury (Hawkins, Holden, and McCambridge (2012); Holden and Hawkins (2013); McCambridge, Hawkins, and Holden (2014); and Hawkins and Holden (2014)). The alcohol industry, one study concludes, 'are involved at every stage of the policy process and are seen by government as key stakeholders who must be consulted – and where possible accommodated – in policy debates' (Hawkins and Holden 2014: 67). Key channels of influence, they note, include regular meetings between industry representatives and ministers, special advisors, members of parliament, consultations, all-party groups and party conferences. At the same time, devolution had a partially disruptive effect on this policy community, the authors conclude (Holden and Hawkins 2012). By devolving powers over public health from London to Edinburgh, the Scotland Act (1998) shifted the centre of decision-making over UK alcohol policy and in so doing created new opportunities for public health groups to challenge the alcohol industry. Public health representatives saw their access to policymakers increase sharply, especially after the Scottish Nationalist Party won power (Holden and Hawkins 2012). While this access bore fruit in the Alcohol (Minimum Pricing) (Scotland) Act 2012, the authors suggest, industry representatives succeeded in diluting and delaying this legislation. Should the alcohol sector, Hawkins and Holden (2014) ask, 'enjoy the same (or greater) level of influence on the policymaking process as practitioners and experts within a given field', (Hawkins & Holden, 2014, p. 68). In this interpretation the apparent lack of access from the public health community to these networks where policy is decided is a negative and the benefits of access of the industry is substantial. The works indicate an alcohol industry dominance that leads to poor policy, with poor policy to an extent being determined by any policy that is not originating from the public health community – industry-developed policy being at best a poor interpretation of public health goals. A dimension of this is shown in the criticism of the research role of the industry, with the most recent examples from Andréasson and McCambridge (2016) and Hellman (2018) – both criticizing the research and questioning its usefulness, whilst also making clear the belief that by accepting funding from alcohol interests for research, the credibility of the researcher is therefore open to question, let alone the results.

### **1.3. Policy communities, alcohol policy and the UK**

Members of the alcohol industry, one Hawkins and Holden study concludes, 'are involved at every stage of the policy process and are seen by government as key stakeholders who must be consulted – and where possible accommodated – in policy debates' (Hawkins and Holden 2014: 67). Key channels of influence, they note, include regular meetings between industry representatives and ministers, special advisors, members of parliament, consultations, all-party groups and party conferences. At the same time devolution had a partially disruptive effect on this policy community, the authors conclude (Holden and Hawkins 2012). By devolving powers over public health from London to Edinburgh, the Scotland Act (1998) shifted the centre of decision-making over UK alcohol policy and in so doing created new opportunities for public health groups to challenge the alcohol industry. Public health representatives saw their access to policymakers increase sharply, especially after the Scottish Nationalist Party won power (Holden and Hawkins 2012). While this access bore fruit in the Alcohol (Minimum Pricing) (Scotland) Act 2012, the authors suggest, industry representatives succeeded in diluting and delaying this legislation.

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This thesis argues that the governance of UK alcohol policy can be understood within a policy community context, but one that is much less closed, and much more adversarial, than Holden and Hawkins suggest. Its central argument is that the core policy community between the alcohol industry and key government departments peaked in the 1960s, with the development of the system outlined in the Licensing Act 1964 being arguably the peak point of the core policy community relationship. Thereafter, this policy community became more fragmented, as changes within groups and representative bodies diluted the previous abilities of the participants. This was influenced by two key developments - as intra-industry interest group politics came to the fore marked in many ways by the breakup of the major brewers dominance, the expansion of the off-trade and a new diversity in alcohol consumption moving from beer; and the successor groups to the temperance movement, which is characterised as the, 'new temperance movement', that emerged both from elements of the historical organisations and the increasing interest of the medical community in alcohol policy. By the early 2000s, the governance of UK alcohol was characterised by adversarial policy communities in which different strands of the alcohol industry, and this new temperance movement, jostled for position and primacy – with variability in these often appearing both on an issue-by-issue and regional basis.

Considering Greenaway (2003) and being less focused on the outcome, but instead agenda and venue, you can consider the policy communities from a different context and find much less consistency in true influence. Its central argument is that there is an alternative interpretation that uses both considerations of resource and historical precedent. In terms of resources, Richardson & Jordan (1979) outline the vital role of participants within a community to deliver their members or indeed deliver a policy. The groups who will, on a practical basis, make a policy happen will also play a role in developing it – a very implementation-based view and useful to understand how interests seemed to lead on policy development for sustained periods.

There is also that 'decision-making is governed by the rules of the game', (Richardson & Jordan, 1979, p. viii) with groups becoming part of the established mindset within the community. It is a model that relies heavily on pragmatism

from participants, who are willing to come up with a compromise solution and accept an outcome that is not necessarily entirely in line with their interest. In the UK context there are examples where this has happened both for and against alcohol interests. Between the 1920s and late 1950s the dominant group with the alcohol policy communities was the temperance movement – with a successful programme of shutting down drinking establishments and with more restrictive licensing hours. This group delivered an active membership who sat on compensation boards (which closed licensed establishments) and were effective advocates in licensing hearings – they also delivered a loud cheerleading force for the policy. At the same time – this was a notable compromise on their ideal position of prohibition of alcohol – moderating their position and accepting the rules of the game.

In the attempts to reform alcohol policy in the late 1970s and 1980s, clearly the alcohol industry representatives had a similar form of dominance – yet once again accepting measures on advertising, some restrictions and elements of policies to which they were opposed. To take one single snapshot and make interpretations of a failed or successful model, discounts entirely the changing membership of the policy communities, which has much greater variety. The argument about Scotland and minimum unit pricing also plays into a similar narrative. Either you have the situation where a new force is now dominating, and the alcohol industry refuses to play by the rules of the game (the game being implementing a pricing policy) or alternatively the policy is having difficulty being implemented because it is not a true policy community – by excluding the groups responsible for delivery. A policy community's membership and the dominance by one group/interest may vary but the interpretation that one group's dominance is the reason for or against greater levels of policy shift somewhat misinterprets the concept of a policy community. Indeed, 'unless there is some particular crisis facing the policy community, then radical policy change is unlikely to be achieved', (Jordan & Richardson, 1987, p. 259) – and if it is – for example on licensing in the 21<sup>st</sup> century – it will create turmoil that fundamentally leads to a period of severe policy instability. In looking at the development of alcohol policy within the British context, this tends to lead to the interpretation that a policy community, or a series of policy communities, exists. This is despite a narrow interpretation of industry



dominance, or somehow industry takeover of policy, is a questionable assumption, relying on a small period snapshot and presuming that policies pursued, interpreted as negative on a public health dimension, are not credible policies when all dimensions of policy are interpreted. Richardson & Jordan's (1979) model of a policy community is imperfect, but offers potential as a credible framing of alcohol policy development over the twentieth and early twenty-first centuries, with insights into how policy can, does and may in the future develop. It can be viewed as a negative, a positive or indeed simply a workable network for policy development. The periods where different, or varied, interests dominated or captured areas of alcohol policy is not a clear example of swapping with a period of each in charge. Neither is it two set groups with clear dividing lines move between control and being external to the discussion. It is potentially a myriad more complex, but looking at who dominates at one period, will not necessarily remain a consistent guide going forward.

#### **1.4. Methods and dissertation plan**

These methods focus deliberately on a historical, documentary analysis, using articles, papers, reports and archives as a primary source as policy was developed, rather than a focus on perceptions of outcomes through interviews. The analysis of archival sources, ranges from the period of the First World War, with areas of focus from every Government since the 1950s up until the coalition government of the 2010s, with available elements of archival sources from the alcohol sector itself also sought. Alongside this consideration of historic media coverage, online articles and newsletters from the same timeframe are used to create a more complete evidence base. From the government side minutes, correspondence, internal memos, research reports, appearances from Hansard and speeches, provide a strong context for most of the twentieth century, with consultation documents, newspaper reports, group newsletters, minutes of government networks, and digital articles that considered policy development surrounding alcohol. Further releases from trade associations, non-governmental organisations and government departments are used to consider position and narrative. Whilst varying based on timeframe and group, analysis of sources such as select committee inquiries, government investigations and commissions; political manifestoes; and reports from all potential participants that often include their analysis of development.

The case studies within this thesis seek to use this analysis to consider influence both in terms of seeking whether influence can be measured or demonstrated. They will consider factors such as the level of access to the policy development process, whether there is mutual understanding of policy issues and goals, and the policy outcomes. Attention is paid not only to Dahl's idea of power as influence – that is the ability of one actor to get another to do what it would not otherwise have done – but also Bachrach and Baratz (1962)'s idea of the second face of power. The latter captures the ability of actors to decide what does and does not make it to the policy agenda.

The plan of this thesis is as follows; the following *Chapter 2* covers the key elements in the theoretical literature concerning policy communities to provide a framework for analysis of case studies that follow. In particular, it exposes some of the criticism of the original model for policy communities and elements made to challenge this within the academic literature. This is to demonstrate that this is a theory that has faced a barrage of criticism on all sides – from those who consider it too narrow to those who find it too wide. It has endured and case studies found indicate that whilst it may not always be an observable phenomenon it could exist within the background machinations of policy development. It goes on to consider the Dudley and Richardson (1996) model for adversarial policy communities as an alternative, arguable enhanced model for consideration, whilst also offering some of the theoretical work on regional policy communities. *Chapter 2* is a service chapter that provides essential background to the case study as it shows examples of methods to consider policy communities, challenges faced in finding them and offers models that allow for consideration of policy communities in the alcohol context.

The argumentation begins in *Chapter 3*, where the theory is applied to an analysis of the case of licensing in two case studies. These case studies offer two demonstrations of policy communities in action within different historical contexts. The first considers the policy development that led up to both the Licensing Act 1961 and the more influential Licensing Act 1964. The second case study moves forward several decades to the Licensing Act 2003, which was similarly preceded in reform by the Criminal Justice and Police Act 2001. Using

sources taken mainly from National Archive materials for the first case study, with a wider ranging study of media coverage, select committee reports and consultation responses for the second - this is a critical engagement with central elements of the policy community model. The first case study offers a context for a close comparison to the traditional approach of a policy community whilst the second includes elements that could offer perspectives on the adversarial policy community approach – demonstrating core elements that a traditional policy community could still be used as a tool to understand policy development, whilst also being occasionally inconsiderate of elements that would make it a stronger model – arguably improved by the adversarial model. It also offers consideration for the inspiration and intent of alcohol policy on licensing – was this the alcohol industry getting their way, which may be true, or instead the successful implementation of manifesto policy – which is a more clear, accurate interpretation.

*Chapter 4* considers attempts to change the law relating to drink-driving. Following from an initial case study on the law's creation and implementation it then examines the impact of what can be considered inquiries and reports of the Blennerhassett Committee alongside both of the North Reviews. This offers a wider context for policy development, alongside the realities of policy implementation – the possible versus the preferable. In this context it also offers consideration of adversarial policy communities and outsourcing of policy communities – where an argument can be made that a policy community could lead on an area of policy, but chooses not to. This also gives a context for considering the parallel environment in Scotland that chose a different policy path, considering the role policy community structure played in both policy development and the policy outcomes.

Through *Chapter 5*, the focus is on price. The case studies in this chapter also cover a variety of styles of attempted policy change. Starting with an attempt to cut the price of alcohol through the Department of Economic Affairs in the late 1960s, whilst support for the industry was found in the policy community surrounding the Ministry of Agriculture, Food and Fisheries, at the same time – potentially offer indications of an adversarial environment in an earlier context. The attempts to

argue for alcohol taxation as a health tool in the 1980s and early 1990s show how despite impressions in the public context or evidence, the position and influence of a policy community are more closely related to policy delivery. The end of the New Labour government, which introduced the Alcohol Duty Escalator, followed by a coalition government that first sought a system of minimum unit pricing, but then changed tack to cut alcohol taxation, offers further consideration for the reassertion of a policy community that can deliver a policy. Scotland and its battles on minimum unit pricing offers context that policy communities can seek to limit or restrict policy – even when technically losing a policy argument – having an ability to influence implementation and deliver their members.

In *Chapter 6*, the consideration of wider alcohol strategies with case studies that demonstrate the development of policy considerations and the respective policy communities – from the start of the twentieth to the twenty-first century. The first of these case studies looks at the temperance movement and the First World War, a time when experimentation with alcohol policy was significant – and there was a limited role for alcohol interests. The second considers how the medical interest groups focused on the alcoholic as an individual for intervention wider than whole population solutions – and how at this level of intervention their policy community was to dominate. The next set of case studies looks at a failed attempt for an overall strategy in the early 1980s following a report from the Central Policy Review Staff – which leaked and led to the re-exertion of dominance of a policy from one policy community from another. In the late twentieth century and early twenty-first century the New Labour Government sought to introduce a wide Alcohol Harm Reduction Strategy – these showed fracturing of the policy community relationships and an indication that others were seeking influence – but in reality, very limited changes and incrementalism applying. By the time of the coalition government, the Alcohol Responsibility Deal Networks were almost a policy community by design – offering further consideration for the concept of policy communities. Scotland also once again offers a parallel study for an environment where a different or regional policy community has authority.

The final chapter, *Chapter 7*, will seek to tackle the multiple strands of thought the study of alcohol and policy communities raises. It will look to analyse the

development of alcohol policy across the twentieth and twenty-first centuries both in the context of Babor (2010) and Greenaway (2011) – did the influence of alcohol groups overcome all other considerations or are concerns that they are in a position of dominance an overwhelmingly miscontextualising the policy reality? It will also look to see what the lessons are for alcohol and policy communities – what can be understood from the case studies and how this can add to the considered literature on policy communities. It will also seek to understand considerations of policy communities in the wider network literature – are adversarial policy communities an improved approach and where can they be developed to better understand the British model of governance?

The final conclusion will seek to both answer the Dahl (1961) question asking who governs alcohol policy and what role groups play in influencing policy development – whilst also seeking to analyse whether policy communities should be reconsidered as reflective of the British typology of governance. It will reflect on whether a re-examination of the traditional Richardson and Jordan (1979) policy community offers a useful typology for understanding British governance, whether the Dudley and Richardson (1996) model of adversarial policy communities improves upon this understanding and beyond this what other features could be considered within the adversarial policy community concept.

## Chapter 2

### Policy Communities in Contemporary Politics

*'We see policies being made (and administered) between a myriad of interconnecting, interpenetrating organisations. It is the relationships involved in committees, the policy community of departments and groups, the practices of co-optation and the consensual style, that perhaps better account for policy outcomes than do examinations of party stances, of manifestoes or parliamentary influence,'*  
Richardson and Jordan (1979, p. 74)

We can trace the study of the role of groups in British politics back as far as the 1950s from authors such as Beer (1956) and Mackenzie (1955), with even earlier consideration of Herring (1930) who argued that there was a British system of lobby groups worthy of consideration. Despite this it was decades before scholars sought to more widely theorise British group politics. Richardson and Jordan's (1979) work, 'Governing under Pressure', was influenced by the American literature on groups, but determined to rework it into a British context. Whilst they recognise works such as Beer (1965) in the attempts to develop a workable approach to the role of groups in politics within a British context they argued that their approach presents almost a step change in the interpretation of British politics, an approach they argued was, 'a process played out between the electorate, Parliament and the Cabinet', (Richardson & Jordan, 1979, p. 41).

Whilst they indicated that this approach represented a challenge to the existing interpretation of the British political system, little evidence from the literature to indicate that the perceived interpretation, effectively the Westminster model, was widely accepted – it could be seen in many ways a straw man. Considering the literature of the time the focus of most works on the Westminster model, such as Schaffer (1965) talk about the Westminster model as a policy export to former British colonies – rather than its role within the British system. Clearly there was an interpretation that this was the case – as Gamble (1990, p. 407) noted, 'this Westminster model with its elaborate conventions for the conduct of parliamentary business, the institutionalization of opposition and the rules of debate, became not only a notable British export but the key element in the British School's account of British politics.'

Whether it was widely accepted or not, the policy community approach represented a significant challenge to this understanding of British policymaking. It lowered the role of parliament, that was 'unable to influence the central political issues', (Richardson & Jordan, 1979, p. 41) and parties, where, 'problems are handled similarly irrespective of which government is in power', (Richardson & Jordan, 1979, p. 43), but raising the role of groups and the central government, with specific consideration of government departments. This is outlined more succinctly in the consideration that if Parliament happened to be involved in practical details rather than simple ratification, 'the normal processing system has blown a fuse', (Richardson & Jordan, 1979, p. 117). This challenge to the system is crystallised by Jordan and Cairney (2013) who note the Westminster model and policy community approach are incompatible as explanations of the British political system – for one to have validity, the other must not apply to the British system. The lack of evidence that the assumed Westminster model was not necessarily the focus of the literature in understanding British politics, did not negate that the assumed role of parliament was significant and groups a later, or side consideration. Richardson and Jordan (1979), faced criticism and yet their approach remains an ambitious attempt to go beyond a parliamentary understanding of British politics to develop a theory of group politics that was suited to understanding the UK.

This chapter examines the development and operationalisation of the policy communities approach that will guide the subsequent empirical chapters. It begins by setting out the traditional conceptualisation of policy communities approach as a way of understanding British policymaking. This is followed by a consideration of the scholarly critiques of this approach, especially in the view of the Thatcher government. The response of Jordan and Richardson (1983) to this critique in more closely defining certain elements and more widely considering exogenous factors, alongside attempts to embed policy communities within the wider literature by Marsh and Rhodes (1992a), Rhodes (1997), Daugbjerg and Marsh (1998) and Bevir and Rhodes (2003) are also examined. The third section will consider how to an extent policy communities have been reconsidered by Dudley and Richardson (1996) through the concept of adversarial policy communities –

that acknowledge both collaborative and competitive elements of multiple policy communities seeking to influence or manage a similar sphere of policy development. The final section looks to the operationalisation of the policy community approach – considering how we would identify the presence of traditional and adversarial policy communities in relation to UK alcohol policy. This section draws on the approaches of Grant (2005a) and Daugbjerg (1998) to operationalise the ideas of policy communities.

## **2.1. The original policy community approach**

The policy community approach was devised to explain the process in which policies were made in Britain, effectively focusing on the twentieth century and initially at creation in the period before the Thatcher government that challenged much of the status quo. It is a theory about relationships, collaboration and usually, though not necessarily, incrementalism. Richardson and Jordan (1979, p. 74) outline that their approach of policy communities is both more confusing, fluid and less public than the more static, what they term as traditional approaches, such as the earlier highlighted Westminster model. Challenges appear in seeking to understand or analyse an approach that is even in concept difficult to identify. Reflecting on the initial conceptualisation the naming of such an approach as a community, rather than a network, group or indeed institution was a deliberate choice to aid the understanding of British policy development. The policy communities approach relies on what they termed as, ‘unwritten rules’, (Richardson & Jordan, 1979, p. 74) which this section will seek to outline – the key features of the approach and elements that distinguish the policy community approach from its alternate models of parliamentary, party or manifesto-led dominance. Fundamentally Richardson and Jordan (1979, p. 74) argue that their approach provides a better account of the British model of policy development – and whilst some elements remained underdeveloped also offered a compelling account for understanding policy development within any strand. Despite challenges, the policy communities approach has a conceptual and explanatory value that offers significant opportunities to understand policy development.

The approach uses the terminology of a pressure group, taking in elements of what the authors regarded as the generally accepted definition, using the work of



Kimber and Richardson (1974) to effectively consider it on a group's ability to articulate demands on government. This was further expanded by taking on the expanded definition of the lobby found in Finer (1966), 'the sum of organisations in so far as they are occupied at any point in time trying influence the policy of public bodies in their chosen direction, though (unlike political parties) never themselves prepared to undertake the direct government of the country.' This wider definition effectively indicates that pressure groups were any group beyond political parties that had a policy objective and an interest in an area. The approach also indicates that it is the compartmentalisation and effectively closed nature of each policy community that holds influence - 'the policy making map is in reality a series of vertical compartments or segments - each segment inhabited by a different set of organised groups and generally impenetrable by unrecognised groups or the general public', (Richardson & Jordan, 1979, p. 174). The definition also allows for government departments, publicly owned businesses and bodies to themselves be pressure groups, 'behaving in almost exactly the same way as more conventional external pressure groups', (Richardson & Jordan, 1979, p. 25). The conceptualisation of the pressure group is quite wide within the approach - but recognition is vital for participation. In effect within the policy community approach many pressure groups are considered to exist - but only a few will have an opportunity to influence despite their desire to be a participant. For the purposes of the empirical chapters this definition of a pressure group will be used that is behaviour focused. A pressure group exists when it is organised, has desired outcomes and seeks influence that it does not directly hold - in this circumstance a government department or body that had clear authority, or sought clear authority, over an issue is not a pressure group - but if it did not, it could be a pressure group. This challenge of understanding a pressure or interest group is further considered by Jordan, Halpin and Maloney (2004), who even cite Mackenzie (1955) who identified and sought to address the lack of clear definition. It tries to answer a question from Richardson (1999) as to whether the lack of clearer definitions causes difficulty, arguing that it does. They suggest a wider approach could be beneficial breaking down the terminology into interest groups that are, 'dedicated politically relevant organisations (normally with members or supporters) and use policy participants for organisations not primarily dedicated to political activity. The sum of these two categories is the pressure participant

category,' (Jordan, Halpin and Maloney, 2004: p. 208). This challenged assumptions made in Jordan and Richardson (1987, p. 14-18) where they had made the case for a much broader definition of pressure groups.

A central feature of policy communities is the role of consultation between government and pressure groups. The argument is that there is almost a cultural desire to consult within the British system – reaching out to pressure groups for technical guidance, or to understand the challenges and complexities (Richardson & Jordan, 1979, pp. 44-46). This process does not necessarily negate the role of a legislative environment in designing policy, yet instinctively the desire to consult on design and delivery of policy, drives policy. This inclination to consult is limited in that, 'consultation can be essentially a process of exclusion', (Richardson & Jordan, 1979, p. 45) – whilst many are potentially consulted, there are contributions that are taken more seriously and considered more closely – those from the groups who make up the policy community. This consultation is not limited to simple responses – consultative relationships develop between civil servants within a department and specific pressure groups. The two then go on to form close, and exclusive, consultative relationships within their policy areas. Using the example of the rationalisation of the water sector in the 1970s Richardson and Jordan (1979) also refine their understanding of the consultative relationship to focus on those who are generally on-board with the policy direction. Opponents find themselves excluded from the policy community – which allows more compliant pressure groups on opportunity to influence the technical details of the policy. Considering this style of consultation, Jordan and Cairney (2013, p. 254) assert that, 'consensus has long been seen as both democratically and politically valuable and hence often (normally) there was an attempt to reach agreement with affected interest groups rather than the 'top-down' imposition of decisions.' Within the original work it is argued that, 'when groups become embedded in the policy *formulation* process, it is little wonder that they see MPs as a last resort,' (Richardson & Jordan, 1979, p. 136), with parliamentary democracy much more of an endorsement exercise rather than adding significantly to the debate. Beyond the concepts of parliamentary democracy others are also challenged; ministerial accountability, party politics and similar, are to an extent

downplayed for this consultation-led structure of policy development between pressure groups and government departments.

The approach, 'draw(s) attention to the internal divisions within government itself and stress the degree to which government is plural and not singular', (Richardson & Jordan, 1979, p. 25), with competitive interests within government. The approach indicates that policy communities organise themselves around government departments – rather than the government as a whole – and that there is not prime-ministerial dominance over policy development. Departments compete for resources and favour their own interests – financial, political or even process. A policy community will organise around and within a department or agency – whichever has authority over the policy area. This interpretation also shows that pressure groups will seek to be supportive of government departments who are their champion. This is a mutually beneficial relationship – beyond the basics of having technical expertise for policy development provided, there are practical advantages in making sure from a departmental side that policy can or will actually be implemented – and from a pressure group perspective policy is implementable, with the least harm or most advantage for them. There is also the possibility of non-legislative solutions to policy challenges that decreases the time of policy implementation and the compliance challenges from both sides. As Richardson and Jordan (1979, pp. 29-30) offer, 'understanding the divided nature of the centre and the manner in which policy is handled permits the critical understanding that pressure groups can be – and we would go as far as to say often are – allies of departments.' Arguments within the policy community will not be aired outside when greater, collective interests on resources and influence are crucial. In effect, policy communities come together, exist and develop policy due to the benefits offered by participation. That a seat at the table is worth accepting compromises for, that being able to participate from the beginning of policy discussions is positive and that there also exists the potential for larger rewards in being preferred as the implementation device for policy decisions. These stabilising factors; a seat at the table, the opportunity to actively participate and the role as an implementer of the policy, negate the potential for internal conflicts within a policy community, allow for the acceptance of concession and promote compromise.

An argument is made in the original construct of the policy community approach that this could be considered group sub-government – that there is devolved authority to policy communities – and the pressure groups that make up these communities. In effect, there is an argument that within every policy arena, there are pressure groups with government knowing whom have the greatest combination of influence and expertise – ‘civil servants know their customers’, (Richardson & Jordan, 1979, p. 54). This translates into authority to further government policy objectives – but also becoming a tool of government - those who exist as part of the policy community to an extent lose their individual status, ‘boundaries are unclear, government and governed is difficult to maintain as a distinction’, (Richardson & Jordan, 1979, p. 61). This is also both combined and challenged with the tradition of clientelism within departmental and pressure group relationships that is analysed to exist within the British context. The aspects stressed are that within a sub-government system there is more likely to be disagreement over policy objectives within a policy community, yet with a clientelist relationship it is more likely that there will be collaboration and identification within a policy community – the relationship is clearly consensual and collaborative. Whilst this is not clearly acknowledged by Richardson and Jordan (1979), there are many features which indicate it could be considered to be within the pluralist tradition, typified by Dahl (1961), in understanding the concept of government. At the same time, the elements of favouritism and exclusion of pressure groups also demonstrate that elements of neo-pluralism can be found within the approach.

The behaviour of policy change also plays a role in considering policy communities - important within this is the incrementalism of policy development. The consistency of approach, the close relationships and similar features mean that dramatic change is less likely, with reform being gradual and designed for ease of implementation. Part of this is the challenge to authority that appears after policy changes have been implemented – the larger the challenge the greater opportunity for a reaction arguably in line with Newton’s third law – that each action has an equal and opposite reaction. The approach includes consideration that where, ‘new groups have emerged in order to challenge existing decisions’, (Richardson &

Jordan, 1979, p. 5) that have, 'different values and beliefs and making quite new demands that conflicted with traditionally established groups', (Richardson & Jordan, 1979, p. 5). New pressure groups represent a challenge to the community and interrupt its consistency. Another feature for the incrementalism expands on the closeness of the relationship between the government department and the group – expanding on the sub-government analysis – that the institutionalism that appears with a policy community relationship creates some form of alignment and mutual interest – if people generally agree and have done so for a long time it is unlikely that new, more radical concepts appear at a high frequency. At the same time by presuming that being part of a policy community offers benefits, this to an extent meaning that being outside should have costs, meaning that these costs should be greater in value than the compromises endured. In turn this means a requirement for an element of exclusivity, to have an advantage over competitive pressure groups. The divide between those pressure groups within a policy community and those who remain excluded is an important feature in seeking to find examples of the traditional policy community approach.

This approach sees a collective of communities, each organised essentially around a government department, with each community focused on a specific area or range of policy. There is an assumption of policy sectorisation or segmentation, with contrasting characteristics from both pluralism and corporatism, accompanied by strong elements of clientelism with the group dynamic. It is a relationship of mutual benefits, with both sides – both government and groups - in many ways representing each other to their audience – whether that is their membership of the wider government apparatus respectively. This relationship does change in depth – sometimes being more focused on consultation and at others on clientelism dependent on the issue – yet this shift does not dramatically affect the approach. There is a clear understanding that within the policy community model is that 'decision-making is governed by the rules of the game', Richardson and Jordan (1979, p. viii), argue, with willing participants, who accept outcomes that may not be entirely what they wanted. At the heart of this argument is that by seeking to understand policy communities it is likely that a more compelling narrative of policy is found than by considering manifestos, party positions or the influence of parliament alone.

## **2.2. Policy communities in crisis?**

Elected in 1979, the first Thatcher government challenged the status quo and with it the conceptual and explanatory power of the policy communities approach. It is arguable that the timing of Richardson and Jordan (1979) first publishing their policy community approach was unfortunate – with the new government's more aggressive approach to policy development with more radical change, presenting a challenge to the original policy community approach as an explanatory device. The original draft of the approach indicated that 'rules of the game' existed which contextualised negotiations, in effect setting a framework for group influence and the acceptance that some areas as beyond the realm of negotiations. The sudden shift in government policy direction destabilised the long-formed post-war compromise and historic stability. Given this stability had provided the negotiation platform central to the approach, it raised questions to its validity. Pressure groups found an interest removed or changed; whether it was the rolling back of elements of the welfare states or the opening up from state control of certain markets, ahead of the even more radical reforms of later terms, areas of broad acceptance had changed. Departments had changed purposes – with elements of public management moved and new participant pressure groups appearing. What was once considered unthinkable was now practically the key area of negotiation – incrementalism, arguably a symptom rather than cause of policy communities, seemed to have changed to wholesale giant leaps. The use of the word 'community' had been a deliberate framing device for the approach – yet the political atmosphere seemed to indicate that this kind of relationship was no longer viable or in step with government demands. The crisis for policy communities was whether this was indeed an approach to understanding the development of policy in the British context, was it only a small part of a much larger story, or was it merely a descriptive tool for a temporary political circumstance, a simplified time-limited observation that offered little. For Jordan and Richardson (1983, p. 610), 'the Thatcher government (elected in 1979) which deliberately developed an image of radical change and a determination to stick to its chosen path was in reality little different from its predecessors in its basic policy style.' This section will consider all three potential attempts to frame policy communities within the literature in response to this apparent crisis, how the understanding of policy

communities developed and the development made in response to these challenges as the approach developed.

The key feature to recognise when considering the challenge made by an apparently more radical, less orderly or negotiated style to the approach is that whilst there was some large-scale policy change in certain public sector environments, especially in areas being privatised, there was also continuity and persistence found across several policy arenas. Whilst it should not be seen as a period when an apparently radical political ideology representing a challenge to the approach rather than a style of governance, it is still worth consideration of the areas of stability within this period such as the National Health Service and the persistence of comprehensive schools. 'When challenged by powerful interest, Mrs Thatcher was, like all her predecessors, ready and willing to negotiate', (Jordan & Richardson, 1983, p. 610). The elements of persistence in the face of apparent radicalism allowed for the policy community approach being further developed by Jordan and Richardson (1983). Within this they offered development of the original theory in the Thatcher-governmental era, in the context of attempts having been made by the new Government to abolish many of the features key to policy community groupings that had been observed in the original work. This refining of the approach effectively completed what can be considered as the traditional policy community approach and gave more elements that can be used for operationalisation of the model. The crisis was arguably a useful tool to highlight the stronger, clearer features of the policy community approach, with five key elements, 'sectorisation, clientelism, consultation, institutionalisation of compromise, and the development of exchange relationships', (Jordan & Richardson, 1983, p. 604). The challenge presented to the approach in a period of apparent radical policy shifts, rather than being a destructive force, or indeed an indication that the approach was demonstrably invalid, allowed instead for the approach to be clarified and become less what was earlier termed as fuzzy.

The first feature of this, the sectorisation, built on the earlier considerations with a sharper focus. It highlights the importance of bureaucratic accommodation, 'a pattern of relationships over time which tends to keep issues off the political agenda and attracts little public or indeed academic attention', (Richardson &

Jordan, 1979, p. 604) within the system, it argues for relationships that benefit all those within the sector that are coordinated and effectively leaves areas considered either irrelevant or lacking importance for others. The sectorisation is closely related to features surrounding clientelism – the relationships are such that, ‘not only is the department not an unwelcome recipient of group “pressure”, but the department will itself try to mobilise activity by groups’, (Jordan & Richardson, 1983, p. 605). There are other features that indicate high levels of clientelism – with elements of sponsorship, consideration offered for their so-called clients to feed into wider considerations and have early awareness of decisions or opportunities. The combination of almost a narrow, very limited policy focus and pressure group membership, combined with a two-way clientelistic relationship – one where both pressure groups and departments see each other, and themselves, as clients that creates an almost institutionalised relationship. The third feature focuses, as did the original approach, on the importance of consultation. They expand that it is not merely consultation but more widely a relationship focused on negotiation – consultation is real and will be considered. The negotiation environment is important and is necessary – as Jordan and Richardson (1983, p. 606) outline it, ‘comes not only from broad cultural values, but from purely functional requirements’. In effect – pressure groups have more practical experience than departments or civil servants – their input and consideration should deliver a better policy. There is also a legitimacy argument that is applicable from the consultation and negotiation environment. Whilst a government may argue legitimacy – through elections and manifestoes – an individual department, especially the civil service could lack this. Pressure groups, representative of at least certain interests, have elements of legitimacy that may be needed to justify policy. By actively including them in negotiated outcome, they share in this legitimacy – their opposition or deliberate exclusion tarnished legitimacy. The level of consultation is an indicator of a policy community – how groups are consulted, what elements are listened to and what weight is put on their input plays a significant role – yet it is still not a pure measure for modelling – it is a consideration and a sum of all elements as to whether there is enough consultation or negotiation to consider whether a policy community is in existence. The increased value in consultation within a closed environment is a greater indication of a policy community - Jordan and Richardson (1983, pp. 607-608)



focus on how the elements of shared language and framing of an issue offer an indication of the relationship. The integration of groups within the policy development process and the accommodation of their concerns play a key role in the traditional policy community approach. The work notes the practical difficulties in abolition of the individual panels and groups that make up a policy community, highlighting the fourth feature - what is described as 'the institutionalisation and regularisation of compromise', (Jordan & Richardson, 1983, p. 608). The challenge to the policy community approach sees that influence was taken from them to a more radical, government-led direction. 'An official report in 1980 listed some 1,561 advisory bodies,' (Jordan & Richardson, 1983, p. 608) – whilst only proposing removing around 15 per cent – many of which survived. The persistence of these groupings is down to the advantages offered as it, 'grants initially hostile groups a role and in doing so effectively socialises them into the norms of behaviour in the policy process', (Jordan & Richardson, 1983, p. 608). This institutionalisation also gives a platform for expanding the testing of a policy – by considering elements in a community, pressure groups will also be considering them with their members – sense checking policy and giving it an audience of expertise ahead of its final implementation. The final feature is the development of exchange relationships – a multi-part relationship. It offers that sudden shifts in policy offer disadvantages – consistency and certainty are much easier to manage as a department and as a pressure group. That there is a mutual ability to trade the various advantages participants have within a policy community for the advancement of their collective interests. At the same time that the roles of the participants evolve so that all in a policy community become policy professionals – the blurring of roles and the creation of greater institutionalism.

These combined features bring back one of the standard elements of the traditional policy community approach – the role of incrementalism. Jordan and Richardson (1983, p. 608) consider that this tendency for incrementalism is a feature almost like a magnetic field – pulling all participants in to a smaller scope of policy consideration as they are pulled together. They argue that whilst there is capacity to pull beyond the magnetic field – it is likely that most policy will be captured within it. This offers an indication that the incrementalism that may indicate a traditional policy community approach is not an essential element –

more radical shifts are possible as long as the elements of consultation, compromise and the procedural elements remain. The presence of incrementalism should be expected, but its absence does not indicate the lack of a policy community. There is greater caveating of the limits of the policy community approach in the later work – there are areas where a policy community approach is unlikely to be found. These are areas such as defence where urgent government direction is needed, where public interest is such that scrutiny stops a more closed environment or where too many departments have an interest to organise a stable policy community. It is argued that these discrepancies or exceptions do not change the overall narrative for policy development – it is that this style of approach remains the normal British style for policy development.

Alongside the challenge made by government, there were also attempts to embed the policy community approach with other theoretical approaches. These were most notable within the expanding policy network literature and with attempts made to place policy communities as a type of network with specific characteristics. This attempt to specify a more exacting or limited standard of definition of policy communities focused on certain characteristics of the approach that whilst eliminating elements that were arguably unclear, yet in providing clarity might have removed usefulness or even the key understanding of the approach. Challenge to the traditional approach came both as fundamental criticisms from Dowding (1995, 2001) of the style of investigation or modelling of policy communities. Examples such as the salmonella in eggs episode as outlined by M. J. Smith (1991) identified potential flaws in the traditional model that exposed weaknesses. In effect they asked whether they remained an effective device to understand policy development and whether their approach was too unclear to be used as a tool for analysing policy development. The traditional understanding of policy communities has seen challenges and development, with considerable critique focusing on what was considered a rather rigid and specific approach. Whilst there have been many attempts to develop the policy community approach as a tool both in itself and to some as a specific area of policy networks - Rhodes (1981, 1986) and Marsh and Rhodes (1992a), offer two of the major attempts to categorise – seeking to consider a wider analysis beyond the original

construct, but arguably also ignoring elements of the traditional policy community approach to fit their wider modelling.

Following on from the initial work of Richardson and Jordan (1979) an attempt was made by Rhodes (1981), in an analysis the development of policy within and across local authorities, to find a firmer, less descriptive understanding of the terminology. This offered a critique and direction of development for the policy communities typology, which sought to develop a framework of understanding power-dependence between policy makers, offered some development of policy community thought. The typology also develops the policy community concept more widely into the local policy arena. In considering this typology the original interpretation sees policy communities as in existence, with private and public participants, making up multi-levelled (through government structure) communities. Important within this is a, 'monopoly of representation', (Rhodes, 1981, p. 118), being a necessity for a policy community, the increased central government creep in local government being indicative of the potential for policy communities. An interesting feature of Rhodes' (1981, 1986) work in looking at central-local power, is the consideration of subnational levels of government in understanding policy communities. He notes that a policy issue may appear that would normally be within the purview of a national policy community, however due to its level of implementation within the wider public sector could lead to the said nationally-focused policy community having little or no development role in a specific tenet of its policy. When Rhodes (1986) redeveloped his typology to create five policy decision-making or network groupings, with various levels of participation, exclusion and focus; it was argued that a combination of features that, in different circumstances, offered indications of the presence of policy communities and also the lack of key functionality necessary for a policy community to be in existence. Notably within this is the question of openness of the environment. Whilst there was not a central clarity proposed, in a consideration of areas of policy, which initially would be assumed to be available to local government bodies, that have instead been assigned to a closed quango environment with a closed national negotiation, or technocratic, environment offering indications for a policy community. This work effectively sought to limit the interpretation of the policy community approach, adding caveats that are not

found in the traditional policy community as outlined in Jordan and Richardson (1983). An example of this is the indication that policy communities cover almost an entire department, lacking specificity or nuance.

Marsh and Rhodes (1992b) to an extent built on the earlier Rhodes (1981, 1986) work putting policy communities at one point of a range within their wider policy network environment. This structure had policy communities as one extreme that moved on to a developed Hugh Heclo (1978) model of issue networks. The typology, as outlined in table 2.1. below, sets out the various dimensions of consideration and the expected variable within each in what could be considered a, 'stricter definition of policy community than that used by Richardson and Jordan', (Dudley & Richardson, 1996, p. 67). This typology of a policy community implies incrementalism to policy development, without opportunity for radical policy shift. Whilst not as restrictive as the earlier typology by Rhodes (1981, 1986), the effort to frame the policy community approach within policy network structure limits the original construct. Considering table 2.1., most elements certainly follow a construct that fits with the Jordan and Richardson (1983) traditional policy community approach. These were indicators more than necessity – the exclusitory factors in membership are more extreme. The frequency of the interactions is common when there is a policy focus, yet it is for the most part a quieter period, with the elements of incrementalism indictative that consistent interaction is important – making this a tick box item is a construed limit on the approach. The element of the typology that is the most consistent to the approach is the issue of power – arguing the same narrative found in the Jordan and Richardson (1983) traditional policy community approach.

***Table 2.1. Marsh and Rhodes Typology of a Policy Community***

<b><i>Dimension</i></b>		<b><i>Policy Communities</i></b>
<b><i>Membership</i></b>	<i>Number of participants</i>	Very limited number, some groups consciously excluded
	<i>Type of interest</i>	Economic and/or professional interests dominate

<b>Integration</b>	<i>Frequency of interaction</i>	Frequent, high-quality, interaction of all groups on matters related to policy issue
	<i>Continuity</i>	Membership, values, and outcomes persistent over time
	<i>Consensus</i>	All participants share basic values and accept the legitimacy of the outcome
<b>Resources</b>	<i>Distribution of resources (within network)</i>	All participants have resources; basic relationship is an exchange relationship
	<i>Distribution of resources (within participating organisations)</i>	Hierarchical; leaders can deliver members
<b>Power</b>		There is a balance of power among members. Although one group may dominate, it must be a positive-sum game if community is to persist

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(Marsh & Rhodes, 1992a, p. 251)

The originators of the policy community approach took their research in different directions. Maloney, Jordan and McLaughlin (1994) focus on the division between insider and outsider groups. They link the existence of insider groups to the consultative style of policy development – indeed, they are almost natural bed fellows – whilst also arguing that ‘consultation is a functional necessity in the process of developing effective policies,’ (Maloney, Jordan and McLaughlin, 1994: p 22). They also argue that consultation increased throughout the Thatcher government and that it was very much an exchange relationship. This contribution indicates that insider status is granted on certain terms, ‘possession of a (valuable) resource, for example: economic power, knowledge (normally technical expertise), representative base, implementation power, compliance power etc,’ (Maloney, Jordan and McLaughlin, 1994: p. 29). Therefore, the analysis suggests that group insider status is a privilege granted not on ideological, but practical grounds. In what is undoubtedly firm criticism, Keith Dowding (1995), challenged both the

attempts to turn policy communities into a typology and the subsequent attempts to create a wider policy network consideration. The fundamental criticism from the first Dowding (1995) objections is that policy communities, in their original Richardson and Jordan (1979) construct, were effectively a metaphorical tool to explain descriptive relationships. In contrast they were not tools for analysis or consideration of empirical examples – more widely the strict framing of a policy community within the wider approach progressively made the metaphorical analysis less useful as attempts to understand causal elements to how policy was developed – they are mildly interesting constructs that do not offer anything analytical or offer explanations for decisions. On policy communities Dowding (1995, p. 139), observed that it was, ‘simply metaphorical heuristics, though no less serviceable for that’. The critique is especially aimed towards the Rhodes (1981, 1986) model for policy networks – highlighting its limitations citing that, ‘you cannot have a theory about dogs which only applies to alsatians and not poodles, then study two dogs and conclude that one is more poodle-like and another more alsatian-like,’ (Dowding, 1995, p. 141). The critique from Dowding (1995), whose central argument was that the entire policy community concept was a metaphorical device not a model or approach, also pointed out specific flaws in the Marsh and Rhodes (1992b) typology. For example – he critiqued directly the dimension that considers resources as frankly, being completed inaccurate - it was argued that they were the property of agents not the network. This apparent conflation between properties of the actors and the network exposed limits in the typology.

As an example of a much-examined case study, the existence of an agricultural policy community has been both observed and challenged. For example, Marsh and Rhodes (1992b), dispute a policy community’s existence, seeing a more open relationship with a wide number of groups, due for the most part to the large number of groups that can be seen to participate in the policy process. This is challenged by Daugbjerg (1998), who finds that there is a policy community with both primary and secondary groupings. Grant (2005a, p. 304) argues that, ‘the NFU is the primary community; groups like the Country Landowners Association and the food processors are in the secondary community’, it is also noted the groups that do not have this regular contact, such as environmental groups, are generally

excluded. The formation of this community came about through a long-term mutually beneficial relationship between the participants – starting with interests in the Second World War and developing over time. This relationship has been maintained primarily through this mutual interest in shared values – centred on increasing agricultural production. As issues appeared, ‘the status quo was maintained by the closed policy community so as to ensure that policy was made within a small group who had shared values on the goals of agricultural policy,’ (M. J. Smith, 1992, p. 40). Issues that these groups had little interest in, such as environmental issues, just were not on the agenda. The policy community’s survival was maintained by an element of concession and adaptability – willing to take costs for the benefits of being in the policy community. In this circumstance there was an external challenge – with the previous mutual agreement that continuously increasing agricultural production was a key policy objective affected by external actors. The reaction of the groups guaranteed the policy community’s survival. They accepted the changing circumstance, developed moderate, implementable policies and made sure they managed the process of change to the new status quo. The agricultural policy community survived an external shock by making step-by-step concessions – an incremental answer to a push for radical policy shift.

With a continued focus on agricultural issues, Smith (1991), using the salmonella in eggs crisis of the late 1980s as a case study, sought to understand the apparent collapse of a traditional policy community within the agricultural policy arena, but with a useful tightened focus on one area. The background to this was that in the Second World War food was very much a political issue, having conflicting interests with the central issues being; which specific foods, their cost and their nutritional value in terms of comparative food production. As the war ended the central objective changed with maximum levels of production being the central issue, backed by willingness for government economic investment in food production. The issue became one of vital national importance, but only in terms of delivering these high production returns. This made the existence of a tight grouping, with these who could actually deliver the desired policy outcomes, an obvious device, with a policy community born. This community excluded consumer groups, though not consciously, mainly as they offered little – at this

stage the policy outcomes to an extent matched their own and they could bring only limited resources to the table. The problems for this policy community appeared by its inability to address a developing issue – its inaction and inability to adjust created a political crisis. The issue in this circumstance was salmonella in eggs, and whilst Edwina Currie's resignation played an important role, it was an inability of the policy community to adapt that caused the crisis. Though it was 1988 when the political issue of salmonella arose the policy community had been aware for some time, but that community had decided it was not an issue worth addressing, nor of informing the public of the possibility it may develop as an issue for consumers. After the resignation of the minister an assumption of business as usual was made by many of the policy community participants. However, in failing to adequately address an issue of food safety, the policy community had both helped develop opposition from groups previously either compliant or lacking in power, alongside creating unnecessary political controversy. The core economics had also changed with the support for food manufacturing no longer mutually beneficial for both producers and retailers with the adoption of the Common Agricultural Policy. The healthiness of food became an issue for retailers in increasing the saleability of their products. In turn, retailers no longer accepted policy community outcomes in the same way as before – demanding different standards and products to those the community had negotiated upon. This effective failure of a traditional policy community, to being forced into a direction against the community's objectives is both an example of how a demanded level of policy outcome, in effect a response that is not incremental, and also an outside issue can affect a policy community. In this circumstance it is argued that a policy community became an issues network.

The apparent radicalism in style of policy development of the Thatcher government asked questions of the original policy community approach, with Jordan and Richardson (1982) effectively arguing that this indicated limitations to approach but with some refining allowed for what this thesis labels as the traditional approach to still be of use. Counter arguments to this have persisted with Marsh and Rhodes (1992a) arguing that the continued consultative nature of the new regime made the case that the traditional model was retained – it was just sold in a different way. Even Richardson (2000, pp. 1014-1015) acknowledged that



this approach, 'places insufficient emphasis on the extent to which the Conservatives systematically changed the underlying bases of the consultations that they continued to conduct with the affected interests'. The combined lack of clarity and indication of outcomes similar to those found in the 1970s as part of Richardson and Jordan's (1979) original policy community approach led to reactions that ranged from refining the approach, considerations for alternatives and an analysis that limited its interpretation from being the standard British style of policymaking to simply one type of many. Some considered restrictions for the apparent potential for policy communities to exist around certain issues or interests and in the most extreme case that the policy community approach was metaphorical – a good descriptive term but inadequate or inappropriate as a tool of analysis. Despite these challenges, the approach persisted in the literature and as a tool used to analyse the British style of policy development.

### **2.3. The return of policy communities**

The policy community approach has seen continued interest, with case studies by Grant (2000, 2005a), especially of the fire service, demonstrating both an interest in the approach and attempts to operationalise it in both a historical and current context. Potential limits of the traditional approach were also recognised by Jordan and Richardson (1982) in their consideration of water privatisation. In this circumstance they found that a new policy community developed when an external variable came into play. A new agency was created, a new policy community formed, effectively transformed. Richardson, Maloney, and Rudig (1992) further considered the privatisation of the water industry in the United Kingdom – and more keenly highlighted the effective failure of the policy community to construct a policy outcome or scenario that they could find acceptable. The argument made is that the traditional policy community approach effectively lacked a system of transformation– there was a shift in the policy that was dramatic – against the wishes of the incumbent policy community. The process of devolution also produced new considerations for the policy community approach, Cairney (2014: p. 318) outlined that, 'devolution has produced a new form of group-government relationships in Scotland'. The development of this alternative venue, with a broad range of powers over many areas, he shows, prompted reorganisation and reconsideration – challenging long standing processes and relationships. It has

allowed, through this different venue structure, groups that may not have been able to influence at a UK level to have a new role. The Scottish policy environment also has a different approach to the wider United Kingdom, with a greater trend towards universalism. This feeds into what Keating, Cairney, and Hepburn (2009) outlined as territorial policy communities, where the expansion of devolution has created new venues for policy community formation that may take different approaches to the established equivalents. This point is further outlined by Cairney (2013), when considering the education sector, argues that new policy communities have appeared, with organisations changing their strategy and even their structure to respond to the new Scottish venue.

Whilst there were multiple attempts of development, Dudley and Richardson (1996) produced a compelling approach that sought to answer some of the challenges to the policy community concept by considering whether factors beyond the initial scope of assessment and behaviours not previously accounted for could have an impact. Their approach of adversarial policy communities, which was further developed by Dudley and Richardson (2004), expands on the traditional approach, challenging preconceptions of some key features whilst also offering a wider explanation both for more radical policy change and the persistence of policy communities in these periods of radical change that the traditional approach struggles to account for. This acknowledges the use of the term community, reflecting back to H. Heckscher and Wildavsky (1974) with their village or community description as reflected in the earlier section, with its closer relationships and shared interest, but in this case the village green may also be the scene for an episode of Midsomer Murders. It also builds on concepts that were in the original Richardson and Jordan (1979) analysis but were considered more minor.

The consideration of an adversarial policy community approach by Dudley and Richardson (1996) was also a reflection of the divide between the originators of the policy community approach. Jordan was drawn to the study of policy networks in a way that cast doubt on his original work. Responding to a case study by Grant (2005a) on the fire service as a traditional policy community, Jordan (2005, p. 319) stated that, 'we never saw a policy community as anything other than a synonym

for arrangements captured by others.’ The policy communities approach, he suggested suffers, ‘inherent uncertainty over what is being described’, (Jordan, 2005, p. 318) which made operationalising the approach difficult. Richardson, in contrast sought to refine the idea of a policy community by recognising an element of competition between communities as he developed the approach considering water privatisation in Richardson et al. (1992) and the development of the adversarial approach within Dudley and Richardson (1996).

The adversarial policy communities approach sees each individual community as having a measurable degree of conformity to the traditional approach, essentially having many similar dimensions – whilst adding in a competitive element or alternative for policy development. The adversarial approach also has a paradox compared to the traditional approach – those qualities that are seen in the traditional approach to reinforce stability – are actually agents for change in certain scenarios. More widely they have the ability to disobey the central principle of the traditional policy community approach – that they will disobey the ‘rules of the game’. To an extent they can remain within their own policy community, whilst acting to open up their adversarial policy community or at least seeking to shift the policy control to their policy community – arguing that these distinct communities could come together for some form of negotiated settlement, ‘may be naive when one considers the major differences in problem definition between the two adversarial communities’, (Dudley & Richardson, 1996, p. 81). The traditional policy community focused in on the importance of government departments. Whilst the adversarial approach still makes clear they maintain influence it also advocates a wider consideration of venue, ‘different sets of policy actors used different venues to press their case on government and on the wider public’, (Dudley & Richardson, 1996, p. 80). Specifically, venue shopping becomes an important feature – whether it is between departments or level of government, at the trans-national level within European structures or including the devolved nations of the United Kingdom. There are other features such as inquiries or commissions that have progressively featured more heavily in policy development – forming policy communities around these circumstances. The argument made for adversarial policy communities appears to become stronger with the increasing

opportunity for transience of policy between these arenas and less stability than the traditional policy community approach would indicate.

The conceptualisation of adversarial policy communities is both complementary and in conflict with the earlier consideration of policy communities. For example, Daugbjerg (1998, p. 67) notes that the traditional approach would indicate that, 'conflict between government departments or agencies as to who is responsible for a policy area is often the most important reason a policy community does not develop'. The adversarial argument would indicate that conflict instead instigates multiple policy communities to either develop or become more visible – arguably in a more prominent fashion than in an area without conflict. This highlights the existential difference between the traditional and adversarial approaches; that policy communities can exist without control or authority over a policy area. It indicates government departments and institutions may well have policy communities organised around them without direct influence but seeking that influence. In effect, the adversarial policy community approach's key feature is that control of a policy area is a flexible element between policy communities. That control does not currently exist within a specified policy community incentivises behaviour that increases the opportunity for control. Advantage and supremacy can also be fleeting within the adversarial policy community environment; it indicates the need for greater adaptability. A snapshot assessment will give a clear view of a given situation yet variable factors, as discussed in the next section, can lead this to change on a regular basis. That existence of a policy community is not reliant on actual policy influence is a direct contrast to the traditional approach, that power can ebb and flow contrasts with the traditional stable relationship based on a consistent oversight of public policy development. It argues that ambition and potential of influence also leads to a policy community structure around an alternative venue – whether that's a department, agency, inquiry or different level of government.

What drives change with a policy community structure – both in the traditional and adversarial approaches? In the traditional approach stability, and acceptance of a conflict avoidance approach within the membership (Richardson & Jordan, 1979, p. 189), that normally leads to incrementalism are key features. The

interpretation is that policy communities persisted because the change was not actually that dramatic, more a changing in speed not a change in direction at any stage. The adversarial policy community approach's explanation of change is based in the differing components of each policy community – from the department or agency it surrounds to the groups that make up its membership. To have a seat at the policy community table there is still an element of exchange relationships – assets – practical and political - are delivered and shared by the wider membership. It is how these assets are both used and their usefulness that explain the major differences in how change occurs between the traditional and adversarial policy communities. Anything beyond incremental change within policy communities will occur in three major circumstances – though even if these circumstances exist it does not guarantee change will be immediate, which adds to the adversarial environment. The first of these are changes in bureaucratic interests – departments change and shift, budgets are cut or increased and the priorities change. This is something that can be accounted for both within the traditional and adversarial approaches, a normal feature of policy development. Secondly group interests can change – new facts, new business and new realities have considerable effects on what groups want, what they are prepared to do and where their limitations lie. This is an area that is less well covered in the traditional policy community approach, but actively considered in the adversarial as groups develop to seek influence or no longer desire it if the price becomes unacceptable. There is a strong argument that whilst disloyalty comes with a cost and loyalty a reward – on occasion this is reversed if those with these gifts change. Thirdly there are the exogenous factors – whilst policy communities are argued to exist as a better understanding of policy than the considerations of parliament, central government or political parties there are circumstances when they will be taken over by them. The typical examples of these include items such as manifesto commitments, a decision at a transnational level, a media campaign focused on a public fear or even a public health scare. This risk or shock to a policy community leads to challenges – there will be potentially an adversary better equipped or more willing to deal with this new challenge.

In the trunk roads case study overview from Dudley and Richardson (1996) they note that the road haulage industry initially dominated on trunk road policy, being

the policy community surrounding the issue, as it was both an expert group and an organisation of vocal hauliers who could create substantial political noise. This combination allowed for long, sustained periods of dominance. Meanwhile the environmentalists were value based initially but developed an expertise that created more opportunities for engagement and discussions regarding policy impact (Dudley & Richardson, 1996, p. 70). The shifts in influence towards the environment-led policy community may have been made feasible by new venues appearing and the change in bureaucratic goals – yet delivery required that the environment groups went beyond simply being advocacy coalitions and also became epistemic communities. Pressure groups developed and became able to be agents of delivery, or arguably pressure, in a departmental interest. This focus could be economic development, scientific discovery or societal concerns. Alongside this the seats around the tables were limited – there were few places for campaigners but more for experts. Groups that provided both effectively were much more likely to gain influence and that same applied to policy communities. A fundamental difference between the traditional and adversarial approach of policy change is that policy communities themselves can in the latter approach effectively change their outputs to change the conversation; not just exerting influence on the consultation and direction of travel, but the entire focus of any consultation let alone its final destination. Dudley and Richardson (1996, p. 64) surmise it as, ‘Given the separate character of each arena, what might be termed the adversarial policy communities of the road and environmental lobbies have adopted a chameleon-like quality.’ This quality of being able to remain to the fundamental features of a policy community, but be adaptive to seek control offers an opportunity to consider shifts in policy in a broader scope than the traditional approach– and see if the approach itself has more validity.

## **2.4. Operationalising the policy community approach**

As previously indicated Grant (2000, 2005a) sought to use the Daugbjerg (1998) typology as a test for the existence of a traditional policy community, primarily looking at the issue of the fire service. By removing considerations of resources and power, whilst actively highlighting the institutionalised nature of the policy community, this typology makes it easier to say whether a policy community exists. This section extends Daugbjerg (1998) to the Dudley and Richardson

(1996) adversarial policy community approach, with the aim being to say under what circumstances a policy community exists in a given policy area and to identify whether it conforms to the traditional or adversarial conceptions thereof.

A policy community Daugbjerg (1998, p. 44) suggests, can be understood along three dimensions: membership, integration and institutionalisation. As outlined in table 2.2. below, the membership of a policy community is offered as a privilege to a very limited number of members who in turn represent only a narrow range of interests. A traditional policy community is highly integrated, as evidenced by frequent interaction between the members of a policy community both in terms of bargaining and negotiation, taking clear primary features from Jordan and Richardson (1983). In its third element - institutionalisation, finally, refers to the shared understanding on policy principles and the procedures concerning problems within the community – in effect the rules of the game.

***Table 2.2.: The Daugbjerg Typology of Policy Communities***

<b><i>Dimension</i></b>	<b><i>Policy Communities</i></b>
<b><i>Membership</i></b>	Very limited number of members. Narrow range of interests represented.
<b><i>Integration</i></b>	Bargaining and negotiation. Frequent interaction.
<b><i>Institutionalism</i></b>	Consensus on policy principles and procedures to approach policy problems.

(Daugbjerg, 1998, p. 44)

Extending this typology to the adversarial communities approach, it is expected to encounter a core policy community as described by Daugbjerg (1998, p. 44) alongside one or more alternative policy communities. Compared to the core policy community, the alternative policy community will have a limited but generally different number of members and range of interests represented. More specifically, we would expect to observe both different interest groups and different constellations of interest groups belonging to the core and alternative policy communities. The alternative policy community will also be highly integrated, although it might rely on different forms of bargaining, negotiation and interaction than the core policy community. A consensus should hold among the

members of the alternative policy community with regard to policy principles and procedure, but it should be noticeably different to that which holds among members of the core policy community. This idea of competing consensus is important not only in differentiating the core and alternative policy communities, but also their political tactics. The battle to frame and reframe policy is a key characteristic of adversarial policy communities found in Dudley and Richardson (1996; 2004, pp. 28-30).

***Table 2.3.: Adapting the Daugbjerg Typology for Adversarial Policy Communities***

<b><i>Dimension</i></b>	<b><i>Core Policy Community</i></b>	<b><i>Alternative Policy Community</i></b>
<b><i>Membership</i></b>	Very limited number of members. Narrow range of interests represented.	Very limited number of members, mostly different to the core policy community. Narrow, alternative range of interests represented.
<b><i>Integration</i></b>	Integrated into the dominant body for policy development at any specific point. Bargaining and negotiation. Frequent interaction.	Bargaining and negotiation – of an alternative style to the core policy community, potentially including alternative venues. Frequent interaction.
<b><i>Institutionalism</i></b>	Consensus on policy principles and procedures to approach policy problems.	An alternative consensus on policy principles – with potential use of alternative procedures to approach policy problems.

As outlined in table 2.3. two other dimensions of adversarial communities can help to distinguish this form of group politics from the traditional policy community approach. The first is what Dudley and Richardson (1996) refer to as a dialogue of the deaf. Protective of its privileged position in policymaking and possessed of differing beliefs and values, core policy communities are reluctant to give members



of alternative policy communities access or to engage in direct forms of deliberation and negotiation over policy – exclusivity on the apparent dominant route is a highly important component. This leads to the second dimension of the approach, which is that the rival policy communities, because the potential for dialogue is so limited, tend to seek out alternative arenas that can affect or resist policy change. Dudley and Richardson (1996) give the example of the European Union as one such alternative community, which allowed environmental policy community to push its agenda in Brussels in ways that fostered policy change in the UK. More widely this could include different approaches such as consultations or devolved government. There is also the dimension that an alternative community will move to behave like the core, indeed become the core, if it achieves the ambition to be dominant over an issue – in effect the alternative community exists to become the core – and a core can become an alternative. This is usually apparent when policy transformation is happening or has happened – incrementalism to an extent is an indication of policy community stability and the maintenance of the core policy community – yet by seeking to find attempted challenges or failed attempts to change policy direction an alternative policy community can be found.

## **2.5. Conclusion**

In *Governing under Pressure*, Richardson and Jordan (1979) sought to theorise a British, consensual style of policy development. Their approach of policy communities faced criticism for struggling to explain periods of radicalism in British politics and attempts to embed it within the wider policy network literature. Having initially sought to update their approach (Jordan & Richardson, 1983), the originators of the traditional policy community approach took divergent paths. Jordan cast doubt on the utility of policy communities approach following criticisms from Dowding (1995) while Dudley and Richardson (1996) reworked it through his adversarial policy community approach. The traditional policy community approach has been subject to considerable criticism, yet it has persisted. There are not bountiful policy community examples, Grant (2005b, p. 304) argues, but, ‘the reason for this is that the concept is not so much vague, but is trying to capture a phenomenon that has fairly blurred edges.’ This thesis asks whether the governance of UK alcohol policy can be understood as a traditional

policy community or a site of contestation between adversarial policy communities. The work by Daugbjerg (1998) operationalising the traditional policy communities is extended to the adversarial approach. Taking this approach across three dimensions that allow us to consider whether a policy community exists it also allows for comparisons to understand the comparative influence of each policy community. These dimensions – membership, integration and institutionalism all have features that collectively allow for the identification of a policy community – whether this is a traditional, core or alternative community.

The small and tight membership representing a defined set of interests, the negotiated settlements found within an integrated system and their almost institutional status within the system of government. These can be assessed and judged, whilst measurement may be difficult, it can be scaled partially by the level of decision made. This has been demonstrated to be a stable approach to operationalising the traditional policy community approach to make an assessment, whilst allowing for elements of the blurriness key, firm features that describe the traditional policy community can be found. At the same time, there are fewer examples for a comparative analysis of adversarial policy communities. Whilst in the traditional approach the option for a group on the outside of a community was to seek membership or seek to bring down the community, the adversarial approach indicates an environment for more favourable alternate policy communities to be developed and then seek to seize the issue. To an extent, ownership of a policy issue is not an essential requirement for the development of a policy community, only needing the potential to somehow gain access. It is definitively harder to find a policy community that does not have influence or has limited influence. By using the methods of Grant (2005a) with an expanding typology based on Daugbjerg (1998) and including the fundamental elements of the adversarial approach a workable device for analysis is available. Whether a traditional or adversarial approach of policy communities exists requires a greater consideration of policy construction over a sustained window of development. Identifiable items that indicate a shift from one policy community to another start primarily with a policy shift that goes beyond incremental change – often this will come alongside a shift in government department control – a transformative policy causing ruptures. There are certainly limitations to these approaches, with the

differing nature of groups, departments and how policy is implemented having a dramatic effect on how close to an archetype an example of policy development can be. By seeking to understand whether a traditional or adversarial policy community environment provides an improved approach understand how alcohol policy developed, and at the same time analysing what methods can be applied to seeking to understand if policy community structure played a role in the policy outcomes. This chapter has assisted in provided an operationalised variant of both policy communities approaches. Across the four case studies covered in the next chapters it will enable both a tool to study alcohol policy development and an understanding as to whether, the policy communities approach explains the outcomes of alcohol policy, or instead does not. The key elements are maintained across these types and styles – a limited membership of narrow interests, an environment of bargaining and negotiation, and consensus on the policy challenges alongside the viable policy tools available to meet them.

## Chapter 3

### The development of Licensing Acts

#### Comparisons and contrasts between 1964 and 2003

*'As one advances in political sophistication one soon learns that one should never raise in this House any question to do with the licensing laws, the licensing laws being regarded as sacrosanct and as the untouchable class among Acts of Parliament.'*

Lord Balniel (HC Deb, 1959-60a)

The licensing of the sale of alcohol has been a feature of British society for over 700 years. Whilst arguments exist over the first introduction of alcohol licensing it is most commonly cited as the Vagrants and Vagabonds Act of 1494 (Light, 2005, p. 268; Schofield, 2002, p. 864), with the act's title making clear the target audience. As time progressed the 'Gin Lane' and 'Beer Street' works of Hogarth made their mark on influencing public policy development, with a fairly direct path to the temperance movement that peaked in the late 19<sup>th</sup> and early 20<sup>th</sup> centuries. New Licensing Acts came quite frequently in this period, generally amending small elements without a holistic view of licensing structure. This rapid fire allowed a mismatch of idiosyncrasies with new laws meant to strengthen licensing occasionally doing the opposite – such as when an 1872 law that sought to move the legal drinking age to 13, managed to remove prior provisions that made it illegal for an under 16 to purchase spirits. By the 20<sup>th</sup> century acts such as the Intoxicating Liquors (Sale to Children) Act 1901 which made it illegal to purchase alcohol under the age of 14 marking the first, clear step in this programme of which the final notable example was the Intoxicating Liquor (Sale to Persons Under Eighteen) Act 1923 which raised the purchase age to 18, although still 16 with a meal. This mismatch was seen, by the late 1950s, of being in need of reform – something that was argued in the manifestoes of both the Conservative Party (1959) who argued for a revision of the laws that were, 'at present so full of anomalies', and Labour Party (1959) which called for a full Royal Commission on licensing. To achieve more clarity and appropriateness with the licensing system much debate and considerable consultation followed before being brought into legislative context with the quite comprehensive Licensing Act 1964. Just over thirty years later, and again a political audience was questioning an aged system of licensing, full of apparent idiosyncrasies unsuitable for the 21<sup>st</sup> century – for

example, 'in 1998, Home Office minister George Howarth said that New Labour intended to 'blow away the cobwebs in British life' by transforming alcohol licensing', (Nicholls, 2012b, p. 252). Once more the political practicalities and difficulties took time to be overcome, much debate and considerable consultation took place before the Licensing Act 2003 was developed – another attempt at comprehensive reform.

This chapter seeks to understand the process of development for these two key pieces of licensing legislation, how groups participated in their development, the structure of this consultation and the effects this framework of consultation had on the subsequent legislation. It will consider the role played by policy communities in determining the outcomes of the Licensing Acts of 1964 and 2003, whilst reflecting whether this is better explained by the traditional or adversarial policy community approach. In terms of group interests they can generally be grouped into alcohol retailers and producers; the regulators such as the Magistrates Association and Local Government Association; and what transitioned from the social interests of the temperance groups (which was composed of many smaller groups, but had levels of national organisation) to the medical interest groups that included professional groups such as the British Medical Association but also the prominent Institute of Alcohol Studies – which as Greenaway (2003, p. 176) notes is an almost direct successor of the earlier temperance groups.

In broader terms, this chapter will seek to understand the influence the alcohol sector had the developments of licensing policy, during both time periods. It will also look at how that influence was demonstrated and felt – as noted considering both policy community approaches whilst also seeking evidence for the considerations raised by Bachrach and Baratz (1962) and Dahl (1958) beyond the policy community approach. In effect, it is looking for those who benefit from the system of policy development, whether it is access or agenda setting, and those whose influence is felt when the key decisions are made. To allow for this analysis, it considers the negotiations that took place between the participants and the effective status of the respective group. This is not only a question of access to the civil servants who were tasked with developing the detail of the licensing policy, but how in all circumstances they sought to influence the framing of the policy

challenge. It will seek to understand what, if any, privilege of access was offered to other participants such as the public health groups as well as secondary alcohol industry organisations and regulatory bodies such as the Magistrates Association and the Local Government Association. Alongside this it will seek to test the respective groups own expectations for influence and the reality of their policy impact – as well as the changes in this as government policy direction or desire changes. Taking these various strands of influence, the chapter will seek to better understand the role played by groups in the development of licensing policy. This will be used, alongside the policy community approach, to facilitate a consideration of influence within licensing policy and consider whether the alcohol sector does indeed dominate.

The first section of this chapter will look at the period that led up to the enactment of the Licensing Act 1964, an Act which apart from minor variation developed a settled licensing structure that lasted until the early 21st century. This section will consider the role played by policy communities by looking to understand how groups sought to influence the early process, what structures of consultation were in existence and how decisions were made. The second section will look at the period that led to the Licensing Act 2003, the first full-scale review of British alcohol licensing since 1964. Similarly, it will seek to understand the role played by policy communities – both looking for similarities to the process up to the previous Act and the changes in structure in this circumstance. By having a set point to compare to, it gives an opportunity to carefully consider whether the adversarial policy community approach applies and what this can tell us about policy development on licensing. Following this, the final section will consider the approach to licensing in Scotland where they have similar rules, but with a separate public health objective. It will seek to consider elements of territorial policy communities, but in the context of an adversarial policy community effectively venue shopping for a set objective. The conclusion will seek to understand the differences in policy development; the role played by policy communities and whether an adversarial policy community approach offers an improved narrative for the development of licensing policy in the United Kingdom.

### **3.1. The build-up to the Licensing Act 1964**

The Licensing Act 1964 removed all previous alcohol licensing regulation and replaced it with a new system. This new system saw extended hours of operation for public houses and restaurants, which now facilitated the potential for alcohol to be served throughout lunch and removed elements of late afternoon closing. It also standardised the end of serving time at 10.30pm for public houses, with a set drinking up period and a 2.30am late night licence. Licensing was now under the full consideration of magistrates and the previous Licensing Boards, which could close and compensate a public house without evidence of misbehaviour, were removed. This was a significant change given that Britain's licensing system had stayed fairly consistent since the 1920s barring some minor changes in the Licensing Act 1953. This highly regulated system was designed in a period where the temperance movement was at its greatest strength, with proposals that empowered local bodies, restricted access and gave the ability for public houses to be closed, with compensation, at the point of renewal of licence if local justices decided against renewing a licence. In the range of tens of thousands of public houses closed through this period as alcohol availability was reduced (Sheen, 2014). By the 1950s the position of public houses, off-licences and the temperance movement in British social consciousness had changed dramatically. The Licensing Act 1953 created three categories of licence – the Restaurant Licence, the Residential Licence and the Occasional Licence – showing some differentiation and recognition of a change in the retailing of alcohol. These relatively limited developments were nevertheless a progression towards a more liberal regime, which were opposed by the temperance movement. The evidence suggests that the leading alcohol producers and retailers, led by the Brewers' Society were pushing for change and had parliamentary influence through the infamous brewing lobby. There was clearly pressure being exerted by groups, although no political party had sought to dramatically reform the system or seen this as an item of the electorate in the terms of making a manifesto commitment. This was to change in the 1959 election and set in place the process of review. These proposals were staged in two sections, the first under the Licensing Act 1961, which was another modest set of amendments, with a comparatively radical restructure in the Licensing Act 1964. The staging of the Acts is also worth considering – there were dual objectives – tidying up the somewhat malformed existing provisions whilst

also liberalising the system – that complicated the challenge as one often complicated the other. This section will set out the background, practical development and consultative relationships in the development of this piece of legislation, whilst seeking to understand the role of policy communities in these developments.

As pressure built from interest groups, which slowly fed into the wider public consciousness that the licensing regime was not fit for the modern British society and tastes – with coverage for example of the inability to have wine with lunch - ahead of the 1959 general election both the Conservative and Labour parties made proposals for reviews of the licensing regime, without specific commitments to inclusions in any proposed legislation. The Conservative Party manifesto opined that; ‘We believe that it is by emphasis on the home, enlargement of educational opportunity, development of services for youth and a spread of the responsibilities of property that national character can be strengthened and moral standards upheld. In addition, we shall revise some of our social laws, for example those relating to betting and gaming and to clubs and licensing, which are at present full of anomalies and lead to abuse and even corruption,’ (Conservative Party, 1959). Meanwhile the Labour Party in the leisure section of the manifesto proposed, ‘A Royal Commission will be set up to review and recommend changes in the licensing laws,’ (Labour Party, 1959). The Conservative election victory was followed up in the debate following the Queen’s Speech of 1959 where the Home Secretary, Rab Butler MP, made clear that a new Licensing Bill was under consideration. This was expanded upon with comments made in a parliamentary debate of January 1960 when he both outlined the headline focus of the proposals and stated, ‘I have authorised the Home Office to circulate some tentative proposals to club and licensed trade associations and other interested bodies.’ (HC Deb, 1959-60d vol. 616 col. 561). These initial proposals from the Government, the least controversial of which would appear in the Licensing Act 1961, included a new category of licences for restaurants, differentiating drinking with a meal and without; changes to the permitted hours with proposals for a total permitted nine licensing hours and a terminal hour of 11pm; serving of a drink with lunch until 3.30pm, if a meal was served before 3pm; a proposal for off-licences to be able to sell alcohol outside of the permitted hours; allowance for a hotel resident to extend



their privilege of buying drinks at any time for their guests; and an extension of late-night venue hours to 2.30am across the country.

This commitment to revision of licensing reform had elements of controversy. For a considerable time since the First World War the temperance movement had successfully sought to apply restrictions and restrict the number of licences available (see Greenaway (2003, pp. 91-147)). Inevitably there was likely to be multiple interested parties, with greatly contrasting demands. Following the Home Secretary's offer of considering these proposals with interested parties, the Joint Under-Secretary of State, one Dennis Vosper MP, was assigned to manage the legislation, with the support of a series of civil servants who became increasingly important in the process. They set to establish a consultative process with a variety of groups and organisations with a keen interest in the sector. The records suggest that from an industry perspective the most important participant was the Brewers' Society – they represented the interests not only specifically the manufacturers of the major alcohol beverage consumed, but also given that their membership were the owners of the majority of public houses in this period ("Brewing Trade Review," 1964). Other manufacturers included the Retail Wine and Spirit Trade Co-ordinating Committee and the Wine and Spirit Association of Great Britain. From a retailer point of view, alongside the Brewers' Society (Home Office, 1 December 1960c), the National Federation of Off-Licence Holders Associations of England and Wales (Home Office, 1 December 1960b, 24 September 1960), The National Consultative Council of the Retail Liquor Trade, the Licensed Victuallers Defence League of England and Wales, the Licensed Victuallers Central Protection Fund of London, the British Travel and Holidays Association, the Association of London Clubs and the Caterers' Association of Great Britain (Home Office, 7 August 1959a) and the British Hotels and Restaurants Association (Home Office, 1 December 1960a), were also involved in the consultation. The Association of Municipal Corporations was a participant although exclusively from a planning point of view, not having an interest in the more broad licensing changes, the Magistrates' Association and the Justices' Clerks' Society (Home Office, 7 August 1959b) participated from a practical point of consideration meanwhile the Bow Group fed in from a political point of view to the consultative process.

In direct contrast to the industry groups with a commercial and implementation interest, there existed a significant block of collected temperance movements (Home Office, 24 March 1958, 28 July 1960). These associations had been historically very influential in the drafting of policy towards licensing and alcohol, indeed Greenaway (2003, pp. 89 - 90) highlights clearly their influence in the Licensing Acts of the 1900s that actively restricted the supply of alcohol and added the so-called local option which permitted the removal of licensed premises at point of renewal of licence – despite being at that stage somewhat divided in ambition – prohibition or restriction. The Home Office records demonstrate that these various temperance societies made considerable external noise about the proposals for licensing reform, from press commentary to their own publications, communications through the church network and various campaign activities. The consultation with these groups was, on the face of it, considerable, and there was an expectation that their contribution would be closely considered – as their letter to the Minister Dennis Vosper MP noted - ‘I should be glad to think that you would deem them worthy of consideration, coming from the source they do,’ (The Rt Rev the Lord Bishop of Bradford, 27 January 1961).

Whilst arguments persisted from all sides on a variety of issues, there was a combination of consensus and political will to progress forward some of the proposals relatively rapidly. These emerged as the Licensing Act 1961, which at that point expressed the first notable changes in legislation for almost forty years – although would be replaced in its entirety by the later reforms. The Act was introduced by Dennis Vosper MP who stated that the intended purposes of the Act were, ‘first, to revise social legislation in the light of present-day conditions; secondly, to achieve a balance between the restraints necessary to prevent abuse and the need for freedom in a responsible society; and thirdly, to introduce a Bill to suit the general interest and have particular regard to the needs of the consumer’, (HC Deb, June 21, 1961). The Act made being served alcoholic drinks in a restaurant or hotel considerably easier, standardised the core hours of licensing operation, whilst also allowing some local variance of these measures. Of separate interest this Act also made some provisions on drink-driving (whilst at this point it was an offence to be drunk in charge of a vehicle there was no legal limit on drink-

driving) with the consistency in hours being argued in part as a discouragement from certain drink-drivers going from venue to venue in pursuit of a later service time. It is also notable that this Act made it illegal to have a licensed venue on a motorway - which was not included in the 1964 Act which repealed the 1961 Act – an error which was later repeated and continues to court controversy following the opening of the ‘Hope and Champion’ at a service station on the M4 in 2014 with press coverage indicating the response being strong and that, ‘public health experts and charities say it offers a “deadly temptation” to motorway users’, (Withnail, 2014). The third reading of this Act was also notable for the open discussion of the influence of interest groups on the development of these proposals. Dennis Vosper himself noted that, ‘I think that it is fair to say that the consumer has perhaps tended to be under-represented in our deliberations, while the demands of particular interests have been, no doubt quite rightly, heavily pressed,’ (HC Deb, 1960-61b vol. 642 col. 1558) however of wider interest was a debate on the various lobbies involved in the Act’s progress.

Simon Wingfield Digby MP noted that, ‘Reference has been made already to the way in which the Bill has evoked very strong religious and moral reactions, in particular on the part of what one hon. Member opposite called the "teetotal lobby",’ (HC Deb, 1960-61c vol. 642 col. 1574). He further added, ‘I feel that the members of what has been called the teetotal lobby have had a bit more than their share of influence during the course of our discussions. The very fact that the hon. Member for Islington, East (Mr. Fletcher), whom I regard, rightly or wrongly, as one of that lobby, likes the Bill as it now stands leads me to believe that, perhaps, a rather vocal minority has had more than its share of concessions.’ The existence of this lobby was disputed by Glenvill Hall MP, who claimed, ‘Those of us who are teetotallers need not be ashamed of it, but so far as I know, there is no teetotal lobby. There is in this House a group of over 100 Members, drawn from all sides of both Houses, which is interested in temperance legislation.’ The debate over whether a lobby existed and who was part of it became quite a flavour in this debate. The general negative light that this lobby was termed by MPs on the Government benches was of interest. There was a specific interjection from Llywelyn Williams MP who added, ‘The hon. Gentleman has referred to the teetotal lobby, as he calls it. Has he never heard of the brewers’ lobby?’ (HC Deb, 1960-61d

vol. 642 col. 1618). In rather amusing fashion the MP in question, William Shepherd, agreed that this lobby did exist, but that it itself was against some features of this Bill, also looking to in effect manipulate the situation for its interests, against the wider public interest. Whilst in Parliament debates were being had, civil servants sought to come to agreements with the various groups with whom they had been in consultation. They made recommendations to the Minister on what elements of the proposed Act he should concede, which he should compromise on and where he should stand firm – with an analysis of whether the Brewers would use ‘their’ MPs to make amendments on these issues. This consideration in general reflected that they would not, nor could they actually deliver their MPs in Parliament. To an extent the parliamentary debate over the existence of a group of supportive MPs took the focus away from the policy detail – instead the debate over influence replaced a debate of policy – the Bill passed and became an Act with relatively little parliamentary alteration – apart from that which had potentially been agreed already between groups and government.

Even with the passing of the Licensing Act 1961 the consultation with groups did not stop, however the breadth of consultation was considerably less. Whilst previously the greatest level of direct engagement was with the Brewers’ Society, there had been at the very least considerable symbolic time with the temperance movement and an appropriate voice to other trade bodies. The longer term consultation much more closely focused around practical concerns rather than larger scale changes – not that the Licensing Act 1964 did not make these changes but instead it seems tacit agreement had been reached on a comparative liberalisation of licensing – it was only how it would work that would be the major concern. This meant that the Brewers’ Society, and to an extent the British Hotels and Restaurants Association, were the key consultative bodies with their collective ownership of the tools of implementation. That Magistrates’ concerns had been overcome in the Licensing Act 1961 also assisted on this – removing a potentially problematic issue that appeared again in the twenty-first century. The comparative consultation was of varied style, length and impact. The archives offer series of letters, minutes and private notes that indicate that many sought engagement. To look first at the temperance movement, their involvement surrounded firstly a series of letters, making observations on the proposals and

individual issues – much like a consultation response of the modern era. A ministerial level meeting was organised, with representatives from a half-dozen temperance movements such as The Temperance Council of the Christian Churches – with the meeting coordinated through the National United Temperance Council who outlined in more detail their concerns in a full meeting with Dennis Vosper (Home Office, 20 September 1960). This was followed up with examples of campaign materials, some polling they organised and various letters indicating their gratitude for the meeting. Yet there was no grand follow-up, no further briefing for the department or minister, and certainly no direct policy shift. Other alcohol groups had similar meetings, whether they were representatives of wine or licensees, they would get a meeting, some letters and then, on occasion, a minor amendment. The Magistrates' Association received more of a targeted response, no ministerial meeting, but they did see their suggested drafts of amendments considered with most accepted such as the suggestions made in a letter from the secretary J. F. Madden (27 March 1961) made to the Home Office's senior civil servant. The Brewers' Society had a different position. Whilst they received only a singular full ministerial level meeting like the others, they enjoyed other meetings with their own policy group leaders with specific civil servants. This was followed by a range of correspondence, back and forth on specific wording on various elements – usually surrounding implementation. Offering a clearer picture of the Home Office position is this line from an internal Home Office memo discussing the Brewers' Society's suggestions, which outlines the opinion of the Minister: 'he also thinks we should be sympathetically disposed to any suggestions for "technical" amendments,' (H. Division, 3 January 1961). There is a distinct similarity to what M. J. Smith (1992, p. 29) described as a, 'shadow commodity structure', in the development of policy – where policy design was created for the benefit of almost equal partners. Yet, not all were equal partners, some did not have access to this area of policy, indicating elements of Bachrach and Baratz's (1962, p. 952) second face of power and the restrictions placed on policy development – it was for the discussion of some groups, not all, with the temperance groups definitively excluded. On this consideration, amendments were suggested by all groups, with certain groups having a very specific level of influence on certain items – the influence of the British Hotels and Restaurants Association's (Home Office, 1 December 1960a) direct members interest in facilitating lunchtime drinking being

a prime example. Off-licence representatives had a considerable influence in this area of licensing, with a certain level of consultation for other alcohol bodies on wider issues. On wider, broader, issues only one group had consistent conversation and that was the Brewers' Society (Home Office, 1 December 1960c). Various references were made to their variety of technical committee Chairman and line-by-line issues. Compromises were usually reached with 'acceptability' being a key concept that is found throughout the archives. There was also a consideration that this is not the only channel for the Brewers' Society – that there was a 'brewing lobby' of MPs who were apparently willing and able to put further amendments down beyond concessions from the Home Office. An important government briefing note (J. Griffiths, Roberts, & Parker, 28 February 1961), outlines the recommendations on what amendments should be resisted, which accepted and those that will inevitably have to be debated throughout the legislative development anyway. Within this note are interesting points on the interaction between groups and government – on one amendment it is noted that, 'The government would take this over', on another that the amendment was, 'To be run by a brewers' backbencher', and indeed that one was, 'for the brewers to run, preferably through a non-brewers' spokesman on the committee' (J. Griffiths, Roberts, & Parker, 28 February 1961). Within this note a lobby was acknowledged, that had influence, but the expectation was that government could overcome or should at least attempt to – and the group had further opportunities to argue their case or manage it with apparent disinterest from the government.

The product of this consultation was a new Act that swept away all before it – repealing all prior licensing legislation. This clean piece of legislation set a framework that would last for decades – despite it in many ways not fully meeting the expectations or hopes of anyone involved. The guiding principles of the Act, with generally standardised hours, drinking up time, the role of the licensee and the magistrates' role in granting a licence remained for the most part untouched, they had consented and compromised on all other areas in exchange for that retained influence. However, there was some clearing up that needed to happen. The sweeping away of all before inevitably left gaps, issues that were not picked up at the time of passing the legislation – or tellingly ignored. An interesting feature was the Compensation Levy funds – where a solution to public funds existing

without anything agreed to spend them on was only finalised several years later to an anomaly. The new Act was certainly contentious with the temperance movement and other advocates against the extension of licensing hours. There was some backlash, however the health and alcohol arguments, alongside drink-driving and other factors were not yet established in the public consciousness. Nevertheless, the changes post this point were incremental and gradual - with a modest extension to opening hours – up to 11pm - and the slight liberalisation of a minor feature occasionally appearing. The common factor to these changes was a close consultative environment with the licensed trade and the supportive consent of the Magistrates' Association as the interpreters of the law.

***Table 3.1. The policy communities surrounding the development of the Licensing Act 1964 to the Daugbjerg (1998) typology of policy communities***

<b>Dimension</b>	<b><i>Policy Communities</i></b>	<b>Alcohol producers, Magistrates' Association and retailers</b>
<b>Membership</b>	Very limited number of members. Narrow range of interests represented.	Brewers' Society, hotel and restaurants, with some additional producers and retailers. Magistrates' Association a willing participant in the two-sided (regulator/regulated) implementation of licensing policy.
<b>Integration</b>	Bargaining and negotiation. Frequent interaction.	Clear examples of bargaining and negotiation with membership. Regular interaction, with back and forth exchange of letters – coordinated tactics for the legislative process.
<b>Institutionalisation</b>	Consensus on policy principles and procedures to approach policy problems.	Recognition that liberalisation is desirable and 'modernisation' the focus. Whilst the brewers' apparent lobby was something that created a concern within the legislative arena, in reality acceptance of a

The historical evidence thus indicates on a prima facie basis there was a level of access afforded to a wide range of groups with an interest in alcohol policy. This access was at a relatively high level – with some of the key civil servants and the lead Minister present at meetings with organisations representing a variety of the perspectives on the policy. There was clearly a historic temperance movement in the United Kingdom, which had from the 19th century influenced policy towards alcohol and had appeared to secure strong relationships. They also had an expectation to be inside the tent, influencing policy. Yet by the early 1960s the public sentiment had shifted – Hogarth-style imagery and preachers on street corners proclaiming its evils no longer dominated alcohol. There is evidence of drip feeding from groups surrounding alcohol-producers towards a more liberal policy – and that both major parties felt able to put statements in their respective manifesto calling for licensing changes indicates that if there was a general public interest in alcohol licensing it was passive and not against reform. That there was not an exact interpretation of an appropriate end position could account for the comparatively radical shift in policy, yet this was also a progressive, gradual shift. It moved away from the previous consensus position, but not in a manner that dramatically affected the operations of the major alcohol producer and retailer interests – it may have been a friendlier climate but certainly no easy ride. Seeking to understand the policy environment that facilitated this outcome is worth consideration in the policy community approach context. In table 3.1., when contemplating whether a traditional policy community approach could assist in explaining this policy development, the apparent very narrow membership, closed to groups who were not supportive of the policy goals, or at the very least would negotiate or compromise in line with the key principles to an extent greatly fulfils this dimension. It is clear from this relationship is that the central, and closest, participant from a group perspective was the Brewers' Society. They clearly had respected influence, negotiated wording, were acknowledged in having their own supportive Members of Parliament that allowed for an almost joint legislative approach with the government, and are noted as the primary representative bodies for public houses that represented the majority of licences in existence at



this point. They were very much insiders, clearly consulted, very much able to influence and with an indications of a traditional policy community being able to deliver their members support for the policy. Whilst a somewhat crude assumption, that the most significant attention was focused on one body can be found in the volume of paperwork – that two separate archive files exist for the Brewers’ Society on their own, compared to a collective five for all other alcohol, retail and temperance bodies shows their significance. Beyond this simple measure further detail of the consultation, the amendments and the final Act all typify that the key partner for the development of this legislation was indeed the Brewers’ Society – they were almost a wing of the government’s own policy development. They were not alone in influence - the other powerful participants were the specialist associations, the economic and professional groups – who all provided an element of licensing policy that the Brewers’ Society could not – technical, enforcement or elements of the restaurant trade. This type of relationship shares many similarities to M. J. Smith (1992) work on the agricultural policy community – there is a central, key trade group (in this case the National Farmers’ Union), accompanied on an issue by issue basis by smaller groups with more specialist knowledge. Beyond this the other outside, non-professional groups, whilst getting the occasional audience had no serious bearing on the final outcome if another group had a clear interest. The Magistrates’ Association completed the groups – the regulator and regulated both having a key role in developing the policy they would collectively implement. After the Brewers’ Society they were the next most central group – arguably they had a position of equal weight, but they had an area which required less legislative scrutiny. When considering the traditional policy community approach, and the Daugbjerg (1998) typology, this seems to be a very close fit, almost a prime case study. On the key characteristics, it fits extremely well and could be considered, in isolation, a strong example for inclusion in the original Richardson and Jordan (1979) case studies – with their approach offering a practical narrative explanation of the development of the Licensing Act 1964. In isolation this fits well, although when more widely contextualising it does require excluding elements of the opposition to the policy development within licensing and the change in policy direction that preceded this act.

**Table 3.2.: The policy communities surrounding the development of the Licensing Act 1964 compared to the adapted Daugbjerg typology for adversarial policy communities**

<b>Dimension</b>	<b>Core Policy Community</b>	<b>Alcohol producers, Magistrates 'Association and key others</b>
<b>Membership</b>	Very limited number of members. Narrow range of interests represented.	Brewers' Society, hotel and restaurants, with some additional producers and retailers. Magistrates' Association a willing participant in the two-sided (regulator/regulated) implementation of licensing policy.
<b>Integration</b>	Integrated into the dominant body for policy development at any specific point. Bargaining and negotiation. Frequent interaction.	Clear examples of bargaining and negotiation with membership. Regular interaction, with back and forth exchange of letters – coordinated tactics for the legislative process.
<b>Institutionalism</b>	Consensus on policy principles and procedures to approach policy problems.	Recognition that liberalisation is desirable and 'modernisation' the focus. Whilst the brewers' apparent lobby a concern that could go into the legislative arena, in reality acceptance of a negotiated approach for the general development of policy.
<b>Dimension</b>	<b>Alternative Policy Community</b>	<b>Temperance representatives</b>
<b>Membership</b>	Very limited number of members, mostly different to the core policy community.	Considerable number of regional associations with two or three major groups. All have similar interests in preventing the

	Narrow, alternative range of interests represented.	availability, and consumption, of alcohol.
<b><i>Integration</i></b>	Bargaining and negotiation – of an alternative style to the core policy community, potentially including alternative venues. Frequent interaction.	Interaction was frequent and attempts were made at bargaining – but no clear alternative venue for policy development.
<b><i>Institutionalism</i></b>	An alternative consensus on policy principles – with potential use of alternative procedures to approach policy problems.	Supportive of current licensing principles (arguments for them to be strengthened rather than removed) and against the increasing availability of alcohol. Supportive representatives in the Houses of Parliament.

Within the core community, as outlined in table 3.2., the outcomes were negotiated as equal partners and to an agreed policy programme. The closeness, access and acceptance of expertise on exact policy detail from those in the alcohol producer and retailer groups by the Home Office, led to policy design that met industry requirements. There is clear evidence both in the consultations and the actual legislative outcome for this. Beyond this core community, when seeking to understand policy communities found around the 1964 Act, we can at first identify that there is evidence of groups, primarily focused around the temperance movement, with very different desired outcomes seeking to influence policy development. These groups had historically made large levels of external noise through their campaign work and had access in developing policy. Yet throughout the development of this legislation, they sat outside of the core policy community, in what by considering table 3.2., we can examine whether there is an alternative policy community. They received access, but had no mutuality with the government in this area in terms of desired policy goals – this was a period of liberalisation, but these groups were making an argument for continued restriction. There was no symbiotic relationship of policy development, with

feedback on policies one way – critique from the temperance groups, but no response as such from the government. For all their noise, and no desire to cause displeasure towards these groups from the government, these groups simply did not have any real influence on the policy process or outcomes – they did not get what they wanted in any significant way. There may have also been another alternate community, which includes some of the smaller industry groups that had a more focused area on which their input was welcome – off-licences and dining groups for example. If their suggestions, or amendments, clashed with the core community's interests then this became an area where negotiated outcomes were pushed up to the core – with the outcomes decided outside their sphere of influence. In seeking to find a major alternative community, reflecting the temperance movement's groups and interests, at the very least it saw less of an ability to influence, negotiate or bargain. Overall, seeking evidence of an adversarial policy community environment, the lack of a clear alternative venue for the temperance movement means this remained an imperfect approach – although their attempts to engage with the Home Office and influence indicate they were at the very least venue seeking.

When seeking a comparison between the approaches, the traditional style explains the development effectively, but not conclusively. The adversarial approach demonstrates that if there was a desire for alternative community inhabited by the temperance groups, but at the very least it was underdeveloped without a clear venue. Reasons for this are unclear, but a credible understanding can be considered if we note that these temperance groups formerly were the membership of the core policy community – if we were to trace the case study back to the last major reforms before this we may find the situation reversed on membership of the core and alternative. This is not something where a clear assumption can be made – outcomes and behaviours would make a compelling argument for it as an explanatory device for the lack of a clear alternative policy community – yet the historic evidence is in itself unclear. When examining the Licensing Act 1902, Greenaway (2003, p. 77) argued that, 'reform was introduced despite, rather than because of, the work of temperance pressure groups'. They were agitators, but had not necessarily reached the closer relationship of a core policy community. There is also the question of the manifesto commitments that

were made ahead of the consideration of reform, which can be argued to create a democratic mandate for the changes. Evidence suggests that these commitments had followed pressure that groups had been putting forward, which challenged the status quo on existing policy. Whilst incremental reform had taken place before this, there were clear indications that something more radical was being demanded – whether this was a challenge from an existing policy community or an alternative policy community making a challenge to the core is slightly unclear – yet as they moved on to a consultative stage the membership of the core or traditional policy community became very evident.

Changes to the licensing system are infrequent and often technical in their nature. The framework to this new Act was designed in a way, almost by intention, that in the future tinkering and minor changes were not only possible they were preferable to wholesale change. Whether this was a policy framework deliberately designed for a policy community to operate within is uncertain but certainly it was beneficial – whether we consider it fits better within a traditional or adversarial approach. That the Licensing Act 1964, with only incremental changes, persisted for almost forty years offers opportunities for consideration. As Marsh and Rhodes (1992a, pp. 262-263), tell us that policy communities, ‘foster incremental changes, thereby favouring the status quo or the existing balance of interests in the network’. That this continuity is observed, could the core policy community have persisted and influenced the long-term development of policy in licensing? The evidence that a stable policy community was in existence is compelling from the activity, changes and consistency. In seeking to further consider whether this in itself is best explained by a traditional or adversarial policy community approach it is somewhat restricted by the reality that alternative policy communities might have developed without any actual visible policy development. In considering the next major licensing change we have an opportunity to observe whether there is evidence of attempts to shift policy and whether there is actual success for an alternative community.

### **3.2. The development of the Licensing Act 2003**

The legacy of the Licensing Act 1964 was a long one. This is not to say that there were not attempts for licensing reform and change. The Erroll Report (Erroll,

1972), from the Departmental Committee on Liquor Licensing, was published in December 1972. It included, 'suggestions that justices should have their power to refuse new licences much curtailed; that the legal drinking age should be lowered; that children should more easily be allowed with their parents into public drinking places; that alcohol should be on sale in more and different kinds of premises (with a view towards establishing a Continental style of cafe pub); and that licensing hours should be extended,' ("Liquor Licensing And Public Health," 1976, p. 359). These proposals, most of which never came into force – one element can be found in the Licensing (Amendment) Act 1976 which gave bars the same discretion on extending hours for special events as other licensed venues and came only from a Private Members Bill - can be argued to have come into consideration by the 21<sup>st</sup> century reviews. Whilst further minor amendments on slight extensions on opening hours took place, there was no single substantive piece of legislation that sought to redefine the licensing system for some 39 years. New phenomenon had appeared in this period, with a considerable increase in late-night venues as they gradually took advantage of the options in the 1964 Act, these being especially focused in city centres focused on the developing nightclub scene and the birth of the gastro-pub focused on food as its primary income source – known as dry-led pubs rather than there wet-led comparators focused on drink sales. The brewers' hold on public houses had been mostly broken by the Beer Orders (made up from 'The Supply of Beer (Tied Estate) Order 1989' and 'The Supply of Beer (Loan Ties, Licensed Premises and Wholesale Prices) Order 1989'), with the birth of the pub company or 'pubco' who owned large swathes of public houses with a restrictive supply tie but had teamed up with the brewers in an expanded British Beer & Pub Association (the evolved Brewers' Society, which at the beginning of the process was known as the Brewers & Licensed Retailers Association). The sales in the off-trade, a comparatively minor feature of the prior consultation, had now become a major factor with equitable sales to the on-trade.

Starting in the House of Lords and following a long process the Licensing Act received Royal Assent in 2003. Further challenges, mainly disputes between the Home Office and Department for Culture, Media & Sport, delayed implementation until November 2005, much later than the original planned date of July 2004 and after another General Election. The Act may have been the representation that as

an industry, alcohol's influence in Government may have peaked. The close relationship that will be outlined in this section, which began before formal consultations began, produced a Licensing Act with much of what they were after. Whilst some was modest modernisation, some radical, it found a negative media narrative – completely opposite to Labour's positive pre-2001 election position. The alcohol lobby may have won a battle, but it certainly started a war. One highly notable difference to the Licensing Act 1964 was the policy framework and style that existed post the changes. Whilst the Licensing Act 1964 came into effect relatively quickly – a modernisation of an existing structure certainly but a similar structure remained – the Licensing Act 2003 saw its implementation delayed as new bodies and organisations formed to manage the new environment. Previously groups could argue about the hours that were right for licensed facilities it was agreed that some hours were inappropriate, even if there was no agreement on which. This no longer existed – all business types could make their case if they so desired for up to twenty-four hour opening (though the vast majority did not). Magistrates who had previously had much power over licensing now found their roles handed over to local authority licensing committees – who actually had less authority to reject licences, yet more public reaction when they did not. These authorities that had in the consultation been advocates for liberalisation now had the responsibility for it and would not necessarily enjoy it. Many more similar examples can be found in this piece of legislation – more groups suddenly had an interest. Alcohol availability that had become an issue of interest mainly to industry with campaign groups on the decline would go on to see this position reversed. It is fair to say not all of this was directly correlated to the new Licensing Act, but it was a key focus.

A new consultation process began in the early 21<sup>st</sup> century that would lead to a new Licensing Act that again redefined the nation's licensing system. The origin of the narrative that the Licensing Act 1964 had become outdated was certainly part of the political consciousness when the Government published a new White Paper, 'Time for Reform: Proposals for the Modernisation of our Licensing Laws.' In his foreword, Jack Straw, then the Home Secretary, highlighted that, 'We now need modern laws to deal with that very old problem,' and later added that, 'the time has come to develop a better system,' (Home Office, 2000, p. 5). Baggott (2010, p.

137) summarises the proposals as ‘This new system aimed to clarify the purposes of alcohol licensing, transfer responsibilities from licensing justices to local authorities, and separate the licensing of premises serving alcohol from the licensing of persons responsible for them. It also sought to introduce clearer standards for the operation of premises and explicit criteria to guide the granting, refusal and revocation of licences, give additional powers for police to close down disorderly premises, clarify legal restrictions on alcohol sales to minors and allow premises to apply for longer opening hours, including 24-hour opening.’ The proposals in the White Paper had seen consultation with a wide array of interest groups before their publication. They acknowledge, ‘the All-Party Parliamentary Beer Group, the Association of Chief Police Officers, the Magistrates’ Association, the Better Regulation Task Force, Alcohol Concern, the Portman Group, the Federation of Licensed Victuallers’ Associations, the Committee of Registered Clubs Associations and the leisure and hospitality industry itself,’ (Home Office, 2000, p. 7). This consultation secured a considerable level of interest, with more than 1,200 responses, yet this led to comparatively minor amendments to the proposals. The issues appeared to come to fruition in June 2001, when in a response to a question from John Grogan, then Chairman of the All-Party Parliamentary Beer Group, Mike O’Brien, then the Minister responsible said, ‘We have concluded that they confirm the case for comprehensive modernisation of the alcohol and entertainment licensing laws in England and Wales. They show that the White Paper proposals represent a sound basis for legislation and strike the right overall balance between the needs of business, the enlargement of consumer choice, and the interests of local residents,’ (HC Deb, 2000-01 vol. 367 col. 683). There was some debate still to be had on both the final licensing authority (local councils or magistrates’ courts) and the actual hours licensable, but headline principles had been set. On some issues there was consensus across proponents for and against the industry with the Institute of Alcohol Studies (2000) adding, ‘We accept that the present licensing laws are outdated, overly complex and cumbersome and therefore in need of modernisation. We support, wholly or in part, some of the main proposals for change in regard to simplifying the licensing system, transferring responsibility for licensing matters to local authorities and strengthening the law on underage drinking.’ Despite many areas with consensus



and a Minister apparently eager to act, there was an election just around the corner and momentum appeared to be lost, in public at least.

Similarly, to the earlier Act, the Licensing Act 2003 can find acknowledgement that the policy environment was turning in a more favourable direction for reform within a political manifesto. The manifesto stated, 'We will tackle alcohol-related disorder, with an overhaul of licensing laws, greater flexibility over opening times, and tougher controls on rogue landlords,' (Labour Party, 2001, p. 32) though not much more was added. At this point it was themed within a wider safer community's narrative – indicative that it was being sold as a crime reduction measure. Although lacking the consensus of cross-party appearances it was very clear that for the Labour party this was an issue that was a vote winner. Baggott (2010, p. 138) noted that, 'The government as a whole believed that the changes had wide public support, especially from younger adults. Indeed, so convinced was New Labour, that it sent a text message ('Cldnt give a XXXX 4 1st ordrs? Vote Labour on Thursday 4 extra time') to young voters prior to the 2001 General Election (BBC, 2004)'. Obviously this represented a tactical shift from the manifesto's very crime-focused policy statements – which talked around crimes causes and local empowerment, 'because we know that without tackling the causes of crime we will never tackle crime, we will empower local communities by combining resources with responsibility' (Labour Party, 2001). With Labour returning to power in the 2001 General Election, accompanied by a manifesto commitment and seeming agreement post-election it would have seemed logical for rapid progression of new legislation. This did not, however, come to pass and in fact authority over licensing policy was transferred from the Home Office to the Department for Culture, Media & Sport. This was a clear ideological shift for licensing – from a tool of crime management, to instead one of feature of modern cultural Britain. Indeed, 'this department, which saw increased alcohol availability as a means of stimulating the leisure and tourism industries, was a key proponent of reform,' (Baggott, 2010, p. 132). This is a further indication of the restrictive face of power (Bachrach and Baratz, 1962, p. 952), as the issue of crime prevention is moved off the agenda, no longer a key consideration for policy development. The modernisation of licensing had moved rapidly from crime reduction (although this

remained in the narrative) to a way to rebuild city centres, boost the night-time economy and as a pro-business measure.

In a similar fashion to the 1961 and 1964 Act situation the areas with the most support, or maybe the least contention, were put through in an earlier Act. The Criminal Justice and Police Act 2001 included a range of proposals that had seen their first airing in the 'Time for Reform' White Paper. Of these the most prominent was the inclusion of test purchasing, whereby authorities could now send in under-age people to attempt to purchase alcohol, an actual responsibility for licensees not to sell alcohol to under-18s alongside new authority for the police to close down establishments which had significant problems of disorder or noise complaints. This left the harder issue, such as hours and the actual licensing authority to another debate. It is not unsurprising - Nicholls (2012b, p. 252) notes that, 'From a historical perspective, the transfer of licensing powers from the magistracy (where they had sat since 1552) to local authorities was by far the most radical proposal. Despite this, however, it was the relaxation of opening hours that became the headline provision.' Therefore, that these measures required more Parliamentary time was not unexpected – though as earlier stated even groups such as the Institute of Alcohol Studies was not as concerned on the issue of local authority oversight. It was more an internal industry dispute with the Independent Family Brewers of Britain being the prominent group opposed, supported by Tim Martin of JD Wetherspoon. There was certainly disappointment with the two-stage approach – Mike O'Brien MP, who as a Home Office Minister introduced the White Paper, being a prominent voice in attacking the lack of progress. He said that the Government was, 'breaking a promise to every pub-goer in the land', (A. Smith, 2001) and expressed severe disappointment that proposals for licensing reform had been dropped from the Queen's Speech. An interesting feature in the development of the 2003 Act is the leading personnel on the industry side and the indications of a potential professionalisation of the lobbying system (something which Beer (1956) saw beginning to happen in the 1950s). In the 1960s whilst there was a professional secretariat within the Brewers' Society this was aligned with, accredited by Government and industry alike, a Brewers' Lobby of MPs who could be relied on for votes and amendments to the legislation – occasionally being indirectly tactically used by the government itself. By the early

twenty-first century this lobby had long since passed, being replaced by a different, in some ways more American model. For the British Beer & Pub Association this focused around their Chief Executive Robert Hayward OBE, a former Conservative MP for Kingswood, and now a Conservative Peer, who had already had some experience running the British Soft Drinks Association accompanied by a Parliamentary pass and contact book could have the conversations necessary with MPs across the political spectrum. Beyond this quite obvious example Dr Martin Rawlings, the Pub's Director at the BBPA, who according to the Association, 'led for the BBPA in steering the industry through the Parliamentary process for the Licensing Act 2003', (British Beer & Pub Association, 2012) also saw reward for his efforts, 'Martin was subsequently awarded an MBE for services to the licensed trade', (British Beer & Pub Association, 2012) with industry media coverage indicates that this was specifically for his work on developing the Licensing Act 2003 (Footitt, 2012). These indications of close, personal relationships between government and groups, fit well the approach taken by Richardson and Jordan (1979) – the small gaps and close relationships between the governed and governors – with strong indications of a clear benefit from past relationships to maintaining this institutionalised approach.

Whilst the public facing elements of the new Act's development can be first found in the White Paper, it is unlikely that this was actually the starting point or even the initial point where evidence was being gathered, with evidence that became apparent in a Select Committee inquiry. The evidence, submitted by the British Beer & Pub Association, states that 'Prior to the publication of the White Paper, the BBPA took part in a visit with Home Office officials to gather information on licensing regimes', (Housing Planning Local Government and Regions Committee, 2003). This at first seems innocuous, with discussions held with, 'various trade bodies, individual operators, police departments and civic authorities', (Housing Planning Local Government and Regions Committee, 2003). When it is later made clear that the countries visited included 'Austria, Belgium, Denmark, France, Germany, Holland and Spain', (British Beer & Pub Association, 2003; Housing Planning Local Government and Regions Committee, 2003) there is a specific indication that this is much more of a close, long-term relationship between government and industry. The lack of clear evidence of these study tours before

this point, whilst not indicating anything improper, offer an indication not only of working relationships, but close ones – integrated and institutionalised. That no evidence is found indicating other trade groups, or interest groups in general, were involved in these projects also highlights the insider status of the British Beer & Pub Association.

Parliamentary engagement had also changed from the time of the apparent brewers lobby with certain MPs seen as available to these groups as acknowledged by the Home Office at that point (J. Griffiths et al., 28 February 1961). Instead an alternative vehicle had formed that was established in 1993 as the Parliamentary Beer Club, becoming the All-Party Parliamentary Beer Group, is often accredited with being the largest All-Party Parliamentary Group with between 300 and 400 parliamentarians signed up. The specific role of this group is occasionally unclear but it declares on its parliamentary submission that is, 'To promote the wholesomeness and enjoyment of beer and the unique role of the pub in UK society; to increase understanding of the social, cultural and historic role of brewing and pubs in the UK and their value to tourism; to broaden recognition of the contribution of brewing and pubs to employment and to the UK's economy; to promote understanding of the social responsibility exercised by the brewing and pub industries; to support the UK's brewing industry worldwide; and to promote a positive future for beer and the pub,' (Houses of Parliament, 2015). It receives a considerable amount of industry funding (more than £50,000 in 2015) and has a permanent staff member (an Honorary Secretary). The All-Party Group also joined the British Beer & Pub Association with a specific visit to Denmark (British Beer & Pub Association, 2003). The Chairman of the All-Party Group, John Grogan MP, asked the specific question which brought forward the Government proposals in 2001 (HC Deb, 2001-2002). They were one of the small number of groups formally thanked ahead of the White Paper as a consulted body (Home Office, 2000). It is also worth noting that when considering industry relationships, the Honorary Secretary throughout the period of the Licensing Act 2003 was Robert Humphreys, formerly the Head of Public Relations for Bass Breweries.

By the early 21st century the temperance movement had declined considerably. However on closer inspection there was a movement and change in the

organisation that was both a rebranding and a refocus, The Institute of Alcohol Studies had been formed in the 1970s as the research arm of the movement and was directly funded by the British temperance movement (under the auspices of the United Kingdom Temperance Alliance Limited – a company that latterly became a charity and subsequently renamed the Alliance House Trust). This began the significant shift from temperance activities having a moral backdrop to instead a health and scientific focus – in effect the same participants and objectives with a differing argument. They were effectively joined by increasingly interested health groups – who had a clearer interest than previously and were much better organised – developing the role the temperance movement had from the 1964 Act – not a moral campaign alone, but more broadly an apparent evidence-based campaign. The Institute of Alcohol Studies (2001) submission to the “Time for Reform” White Paper is also interesting in the terms of argument – from the very acknowledgements at the start of the White Paper when only Alcohol Concern – at that point a small alcohol harm charity – were consulted rather than a wider group, led the Institute of Alcohol Studies to make numerous comments challenging assumptions, evidence and policy direction, but there is little evidence of what this achieved. That much of what they opposed was latterly introduced either without amendment or in some cases amended in a direction they also opposed is worthy of note. Whilst we lack the archival information they certainly did not join the trips the civil servants took with industry to various different nations – despite quite clearly being able to comment on these nations’ licensing regimes with a varying viewpoint to industry – alongside perhaps evidence to reinforce their assertions.

It was not only the temperance movement that has adapted – with the Brewers’ Society now the British Beer & Pub Association with somewhat different interests – alongside a smaller representative base. There are some interesting observations in their submission namely over the changing position of the BBPA since the breakup of the traditional brewery and pub ownership model – with some indication that this has led to changing position especially on the basis of licensing – with economic opportunity (the so called criterion of need) not being a consideration for public houses – as the brewers had less interest in long-term viability of pubs as individual businesses than in the prior reform period, instead

seeing their interests in having more locations of any type to sell their products. Despite the closeness between the BBPA and government, other groups from the licensed trade also sought new influence. Concerns were expressed by groups such as the Association of Licensed Multiple Retailers in terms of the extended hours for sale of alcohol in the off-trade – the BBPA now with its members having large sales volumes through supermarkets were less concerned by this issue. There was a major dispute with the Bar, Entertainment and Dance Association (BEDA) who represented the nightclub sector. The proposals for extended hours for other licensed trade institutions represented a considerable business threat to these businesses that had. These disputes played out in the trade press but were largely unseen in parliamentary debates – an indication of who had both access and influence. When hours were discussed morality and depravity was the focus with some of our more notably opinionated national papers leading the charge – rather than a business interest. Where the optimistic source of the so-called, ‘café culture’, hope for the future of the licensed trade came from is uncertain – but there were undoubtedly professional groups who warned against this and those who advocated for it. Industry groups who did not buy into the central components also did not get a seat at the table – the Institute of Family Brewers of Britain (despite all being members of the British Beer & Pub Association as a requirement of their membership of that organisation) failed to convince either their own association or the Government that licensing control should remain with magistrates not local authorities. On this specific point as well the Magistrates’ Association, so vital to the technical reforms in the 1964 Act were side-lined for a more welcoming group in the Local Government Association – their insider status revoked when their interests clashed with a more powerful member and a replacement – who would play by the new rules of the game accepted in.

The White Paper on reforms to the licensing regime had more than 2,000 responses from across the country with individuals and groups participating. The media, with a particular focus on the Daily Mail, ran a considerable number of pieces reflecting the impending doom of the direction of travel of the licensing reforms. The Institute of Alcohol Studies, alongside Alcohol Concern, cited specific research in regard to the potential impact of these reforms (Institute of Alcohol Studies, 2000). Yet the reforms, for the most part without amendment, happened.

The voice of industry, and primarily one industry group, won out. The closeness between the British Beer & Pub Association first with the Home Office and latterly with the Department for Culture, Media & Sport is certain. As revealed in the commentary to select committees they enjoyed trips abroad together, discussions on common directionality and agreement in the need for liberalised system (British Beer & Pub Association, 2003).

In reality one voice was heard above all others and in effect it was a mutual one – civil servants and the main industry group shared a key consensus, with a mutual research background – they had a shared interest in the policy direction and success (British Beer & Pub Association, 2003; Housing Planning Local Government and Regions Committee, 2003). It is not unsurprising that this drove the Act forward in this direction.

***Table 3.3.: The policy communities surrounding the development of the Licensing Act 2003 to the Daugbjerg (1998) typology of policy communities***

<b>Dimension</b>	<b><i>Policy Communities</i></b>	<b>Licensing and the Department for Culture, Media &amp; Sport</b>
<b>Membership</b>	Very limited number of members. Narrow range of interests represented.	Some alcohol producers and retailers – focused around the British Beer & Pub Association with the Local Government Association fulfilling the regulator/regulated environment. Clear exclusion of some groups such as the Bar, Entertainment & Dance Association who represented nightclub interests and opposed the direction of reform.
<b>Integration</b>	Bargaining and negotiation.  Frequent interaction.	Clear examples of negotiated outcomes and close personal relationships with frequent contact. Award of an MBE for alcohol group's lead negotiator in the development of the Act.

<b>Institutionalisation</b>	Consensus on policy principles and procedures to approach policy problems.	Agreed approach to liberalism and movement towards local authorities over licensing, rather than magistrates. Similar regulator/regulated engagement as seen in the prior Licensing Act.
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Despite the ironic public beginning point of a full consultation it is quite apparent that the development of the Licensing Act 2003 was very much a closed affair. Whilst there was much noise created in the latter part of the Act's development, with headlines and media voices making pushing a case against reform with voices from a perspective in disagreement with the major trade group this led to very little in terms of practical compromise. The evidence seems to suggest, from the very introduction to the White Paper that launched the entire licensing reform process of a close relationship between industry and government. Objectives were shared in terms of a liberalisation of the law, the objectives of the action and the mechanisms to make changes. From the research conducted by joint parties of civil servants and industry representatives in European cities, we see that there was a shared evidence base to progress on with changes. That the largest interest group was the closest to government is also quite clear when one considers the demands of the British Beer & Pub Association in comparison to other licensed trade groups. A clear example of this is the attempted dispute by the nightclub representatives to have longer hours limited to their sector failed, with the competitive impact not achieving any considerable level of scrutiny. As the earlier example of the hour's argument with nightclubs indicates the British Beer & Pub Association was the go-to group for all industry-led decisions – if they had an opinion that the government could agree with, they did. This is in marked contrast to the experience in 1964 where any area that was outside of the then Brewers' Society direct sphere of interest or influence was fed into almost a secondary community for decision – such as the hours for drinking with a lunch and the role played by the British Hotel & Restaurant Association (Home Office, 7 August 1959a).

In seeking to understand the policy community structure behind the development of the Licensing Act 2003, there are undoubtedly different challenges to the earlier



Act. The lack of archives, a wider consultation to a White Paper with thousands of responses, a more disparate industry lobby with cracks in the largest group and a less clear moral group focusing on restrictions creates a challenge not just to understanding development but analysing it. Against this backdrop an approach that looks at desires and outcomes, rather than direct conversations is the considerably more viable option, with influence more widely understood from success not minutes. Equally in seeking to compare this situation to the policy community environment found in the earlier licensing development it is not only looking for what is there and similar, but also what is not or different. If we observe this case study in isolation, we can find merit in the traditional policy community approach – it can be used as a way to explain how policy developed – as indicated in table 3.3. – there was a clear, stable membership of participants who shared goals and desire outcome with a government department keen to develop this policy. There were strong, personal and integrated relationships. Negotiation was key to success and compromise was had from all sides. They all knew what they wanted to achieve and were determined to get there. This also required the exclusion of how this policy community represented a clear and obvious break to what happened before – how could this shift suddenly happen – how could a government department lose control and a group, in this case the Magistrates' Association, be so quickly removed from the policy community when to an extent it had not changed the rules or its own positioning. The traditional policy community approach is on a descriptive basis a useful to explain policy development surrounding the Licensing Act 2003 – but it offers no guidance on the intricacies or a real understanding of why policy changed or development.

If we consider membership dimension found in both policy community approaches, this exclusivity of access can be found in the fractured interests of the different groups representing alcohol retailers. Particularly in reference to the divide between the British Beer & Pub Association and the Bar, Entertainment & Dance Association over the potential impact of later licensing on various businesses – with one representing a wide group who effectively closed at 11pm and one representing those with later licences. As earlier discussed, one group was in favour of greater liberalisation, whilst one was in support of the status quo. The Bar, Entertainment & Dance Association, seeking to maintain the current system,

in a very protective manner for their members, found support in the submission from the Institute of Alcohol Studies (Institute of Alcohol Studies, 2000). Whether it was that they were seen to present narrow interests or indeed be irrelevant neither got a seat round the table – the community was closed to them on this point. Other examples of this style of debate are also found, with participation only favoured if there was a general acceptance that influence was highly limited in any area where the prime participants had an opinion. In many ways the development process for the Licensing Act 2003 – started with an open consultation – had effectively been decided upon long before. The movement of departmental control is also an indication of this. The alternative policy community had recognised that from this point the desired outcome of alcohol licensing was no longer a tool of crime management, but instead a tool of cultural development, business support and tourism development. Initially it had been a cooperative partner in development of policy, supportive with elements of outsourcing but up until this point not seeking to be the core community. When it became evident that the priorities were not fully shared, it would no longer do that the Home Office looked after it – and the move was made to the Department of Culture, Media and Sport.

***Table 3.4. The policy communities surrounding the development of the Licensing Act 2003 compared to the adapted Daugbjerg typology for adversarial policy communities***

<b><i>Dimension</i></b>	<b><i>Core Policy Community</i></b>	<b><i>Licensing and the Department for Culture, Media &amp; Sport</i></b>
<b><i>Membership</i></b>	Very limited number of members. Narrow range of interests represented.	Some alcohol producers and retailers – focused around the British Beer & Pub Association with the Local Government Association fulfilling the regulator/regulated environment.
<b><i>Integration</i></b>	Integrated into the dominant body for policy development at any specific point. Bargaining	Clear examples of negotiated outcomes and close personal relationships with frequent contact. Award of an MBE for

	and negotiation. Frequent interaction.	British Beer & Pub Association's lead negotiator in the development of the Act.
<b><i>Institutionalism</i></b>	Consensus on policy principles and procedures to approach policy problems.	Agreed approach to liberalism and movement towards local authorities over licensing, rather than magistrates. Similar regulator/regulated engagement as seen in the prior Licensing Act.
<b><i>Dimension</i></b>	<b><i>Alternative Policy Community</i></b>	<b><i>The Home Office and Magistrates' Association</i></b>
<b><i>Membership</i></b>	Very limited number of members, mostly different to the core policy community. Narrow, alternative range of interests represented.	Had crossover with alcohol producers and retailers from the core community – with some others such as the Independent Family Brewers of Britain and Bar, Entertainment and Dance Association. Magistrates' Association fulfilling regulator/regulated environment.
<b><i>Integration</i></b>	Bargaining and negotiation – of an alternative style to the core policy community, potentially including alternative venues. Frequent interaction.	Played out more in the media than in backrooms. Submissions made to the government's public consultation.
<b><i>Institutionalism</i></b>	An alternative consensus on policy principles – with potential use of alternative procedures to approach policy problems.	Some more liberal policies for the on-trade yet request for separation of venue types on hours but opposition to off-trade measures. Some support for

more significant restrictions on alcohol sales (outside of the alcohol group's specific market).

Considering the dimensions of the policy community approach as outlined by Daugbjerg (1998) and the amended approach for adversarial communities considered in chapter 2, there are clear elements where there is evidence that an adversarial approach can effectively describe the development of the Licensing Act 2003. On membership, when we look at the final policy outcomes we have clear core community surrounding the Department for Culture, Media & Sport – with central participation from the British Beer & Pub Association and the Local Government Association providing the regulated/regulator relationship that was important in the development of the previous Act. There is a clear exclusivity of membership and evidence of those not inside this membership losing influence. The alternative community membership is surrounding the Home Office, with the Magistrates' Association and the somewhat less influential alcohol retailer groups also find themselves. What is interesting is the transition from the Licensing Act 1964 – the movement from the Home Office, the exclusion of certain retailers and when we consider that prior to the Licensing Act 2003 the core policy community had surrounded the Home Office and included the Magistrates' Association rather than the Local Government Association, it gives greater perspective in how the policy environment shifted with the development of the policy. This appears to be evidence of an alternative community becoming a core community. It is also of note that the British Beer & Pub Association also moved with the community (having as the Brewers' Society been a central part of the previous core) – the ability of groups to shift within communities is an important feature. Even on a single dimension, this shift of a core policy community becoming an alternative, as outlined in table 3.4., represents a clear example of policy communities existing and waiting for the right policy window to express influence. Considering integration there appears to be more evidence of a closer integration from the alcohol group side with the Department of Culture, Media and Sport's core community but evidence from the regulator side of integration on both levels – this could also be to do with the shift of the British Beer & Pub Association. On institutionalism, there is a similar situation – and that in the alternative there was

not the same alignment of values and desired outcomes. This differential could also help explain why one became the core community, and the other ended up as an alternative. The Licensing Act 2003 demonstrated that different groups, excluded from a core policy community would, if an interest remained, seek to be part of an alternative policy community, including those that had no influence immediately. That certain alcohol producers and retailers' groups were members of multiple policy communities is also of interest – effectively playing all sides, or at least multiple sides in an argument. They also indicate that the difficulty may be in their quietness – ready to appear, but in many cases only when opportunity presents itself – an adversarial environment, but one that is not initially apparent. By taking the example of the Licensing Act 2003 we can see how instability and larger scale change can cause a policy community to lose its place as a core community – whilst representing a chance for an alternative to establish itself. It also indicates that some groups can almost play all sides – whilst others may face restrictions – it is almost being able to be in the right community, at the right time.

Whilst the Licensing Act 1964 can be seen as finishing with a stable policy community for alcohol, the Licensing Act 2003 threatened to rip open this structure and develop a new entire basis for group interaction. In effect, what was observed in relation to the legalisation of abortion in the 1960s began to happen on alcohol, 'new groups have emerged in order to challenge existing decisions', (Richardson & Jordan, 1979, p. 5) that have, 'different values and beliefs and making quite new demands that conflicted with traditionally established groups', (Richardson & Jordan, 1979, p. 5). The Licensing Act 2003 was the great outcome of an ambitious attempt by the key alcohol-producer and retailer players in the core policy community on alcohol licensing shifting their engagement to an alternate that became the core – but in abandoning incrementalism and stability of the previous core community - making a giant leap to a long sought after highly liberal regime, it may have caused a permanent limitation in its authority over alcohol policy more widely,

### **3.3. The Licensing Act (Scotland) 2005 and the public health objective**

Scotland has maintained a different licensing regime from the rest of the United Kingdom since inception, although they have historically reviewed their laws in or around the same timeframes as for England & Wales (Northern Ireland for various reasons has its own regime) – although they have no direct application to each other and work within different legal structures. Following, and alongside, the development of the Licensing Act 2003, the Scottish Executive, as it then was, took the opportunity to update Scotland's licensing laws with a final act passed in as the Licensing Act (Scotland) 2005. Primarily they focused on the four key licensing objectives found in the England and Wales system, however they added an extra, what can be considered a public health objective. This objective states that a key feature of licensing is the promotion of public health – with the criteria representing a challenge for licensing applications. The process for the development of this new criteria began in 2001 when Jim Wallace, then the Justice Minister and Leader of the Scottish Liberal Democrats, commissioned Sheriff Principal Gordon Nicholson to lead a review of the Scottish licensing laws, as the chair of The Nicholson Committee (2003). Yet this commission was different from the start compared to the England and Wales system with this new committee asked, 'To review all aspects of liquor licensing law and practice in Scotland, with particular reference to the implications for health and public order; to recommend changes in the public interest; and to report accordingly,' (*The Nicholson Committee: Review of Liquor Licensing Law in Scotland*, 2003, p. 1) – so from its very commissioning health was a concern of the developing legislation. In the same way as England and Wales had mirrored elements of prior Acts' development this committee followed on from the Clayson Committee of the 1970s whose report (*Report of the Departmental Committee on Scottish Licensing Law*, 1973) played a major part in the development of the Licensing Act (Scotland) 1976. The membership of the committee included Gordon Millar, the Chief Executive of the Scottish Beer & Pub Association alongside a representative of the Scottish Licensed Trade Association (a licensee organisation) – they were joined by two doctors representing medical interest, two police representatives, one legal representative, two members of Licensing Boards, two Sheriffs representing the judiciary, a representative of a children's charity and Sir Menzies Campbell (who had also been

a member of the Clayson Committee). The Clayson Committee is also of relevance – it occurred at the same time as the Erroll Committee in the early 1970s – however it actually led to some substantial changes that meant Scotland had already shifted on the regulator/regulated perspective at this stage but still within a similar framework. In effect the 1973 Report of the Departmental Committee on Scottish Licensing Law or the Clayson Committee formed the basis for the Licensing (Scotland) Act 1976. Alongside some hours' changes, some regulation of the off-trade and an element of public health considerations, 'the Clayson Committee called for an overhaul of the licensing system through the replacement of licensing courts, dominated hitherto by magistrates and justices of the peace, with licensing boards made up of elected councillors,' (Nicholls, 2012a, pp. 4-5).

The Nicholson Committee sought to investigate the potential for new alcohol licensing laws consulting within a two-stage process – first reaching out to targeted partners and then inviting other consultees in for wider consideration. The Scottish Executive analysed the consultation responses and process (Dudleston & Murray, 2004) as part of the Act's development. This analysis gives an indication of the priority of the consultees – separated out between those whose response was sought at an early stage and those that responded at a secondary stage following a more general invitation to respond. Notably the British Medical Association was an early consultee, alongside various police groups, whilst from the retailer perspective the Association of Convenience Stores, British Institute of Innkeeping and the Scottish Licensed Trade Association were consulted but the Scottish Beer & Pub Association and the British Hospitality Association were not consulted until the second stage – whilst the early invitations in to the British Medical Association indicate a very different framing environment. Whilst the evidence indicates they had a more significant role on the secondary detailed level alongside their committee membership, their engagement began after the initial framing of the issue – with the contentious objective around public health effectively already established. In understanding this framing process there were reruns of some of the industry disagreements from the Licensing Act 2003, (Dudleston & Murray, 2004, p. 22) relating to licensing structure – especially with relation to supermarkets and the off-licence trade, with the larger participants successfully arguing for consistency with England and Wales. In effect – these

smaller groups had sought to venue-shop but failed. They had not managed to get their opinions into the core environment. This is indicative that the Scottish process, whilst distinct, had many similarities, with arguments made and rejected in the same process as the England and Wales example.

The outcome resulted in a Scottish licensing system that was fundamentally different to England and Wales – but the alcohol producers had been involved closely in the debate. The liberalism of the regime was secured but at the same time a new principle of licensing arguably challenged the purposes and expectations of licensing. The core policy community had health representatives central within it, directly on the Nicholson Committee, having access in a way they did not have in the England and Wales example – with the rejection of the Institute of Alcohol Studies (2000) recommendations showing the comparative balance. Despite these efforts, they did not achieve the level of desired shift that these groups in England and Wales had sought – there was a public health condition, and still its other suggestions on lack of liberalisation on hours and access were not heeded. Whilst being in the community had made a difference and they had made a shift – but the level of the shift lacked clarity – it was a principle rather than exact conditions. What this does signify is that the Scottish Executive policy community environment and participants were enabled to have health concerns feature as part of the negotiated outcome, alongside enforcement, criminal and economic concerns. In effect the public health objective should have seen, if the implementation followed the case made in previous health submissions, led to a licensing system that was different enough from the England and Wales system to have considerable impact on the consumption of alcohol in Scotland and the resultant health impacts. This has not happened, as argued by representatives of Alcohol Focus Scotland in personal communication who noted, ‘public health actors have had some impact in terms of influencing licensing policy. However, there is evidence that the public health influence is not translating fully to decision-making on individual applications. Subsequently, public health actors are finding it difficult to justify their input when there is no obvious change in outcomes,’ (Mahon, 2016, p. 4). In later chapters what became apparent was that this objective and structured intervention alone had very limited, if any impact of significance greater than in England and Wales. With the licensing issue now being



partially at least framed in terms of public health – and indeed health interest groups playing a considered role in policy development – they created a situation where an alternative policy community, in make up at the very least, had a major influence over alcohol policy, allowing for other areas of influence and policy development. They had affected the ambitions and scope of the policy community for alcohol licensing in Scotland – which would become more apparent in the greater divergence in policy affecting other areas – despite the success in licensing this public health objective did not lead to the level of impact or outcome being sought by the health groups. In England and Wales the move of oversight to the Department of Culture, Media & Sport could be seen as a case that cultural development, business support and tourism development were the key desired outcomes - by managing to influence the framing of the alcohol issue in Scotland into a scenario where health – rather than disorder or economic concerns as the key features they had succeeded in overcoming the core policy community in terms of the desirable outcomes for licensing policy. In terms of dimensions of the policy communities approach, there is clear membership differential – which has led to a different policy outcome – framed amongst different policy objectives – indicating the institutionalism dimension had either helped facilitate this or there is a clear link.

### **3.4. Conclusion**

The British licensing system has a history of comparative stability followed by periods of radical reform that has come over the centuries. Normally this involved some level of favouritism to either the alcohol retailers or their changing opponents that are best described in the later context as health groups, but were historically more concerned with social issues as organised temperance groups. The Licensing Acts of 1964 and 2003 in this context are possibly unusual in being two distinctly liberalising pieces of legislation that followed each other – indicative of a progressive liberalism on licensing - though with thirty-nine years between them. Despite this time period between them there are great similarities to be found. The groups who participated barely changed – names may have been different, a slightly different ownership model and a rebranding of temperance but nevertheless the interests they represented were broadly similar, even how they conducted themselves in negotiations and their relation to Parliamentarians.

There is much that can be learnt from both of the Acts' developments and the intervening period. The structure of the negotiations, what access was granted, what influence was both enjoyed and given had a direct effect on outcomes. Industry bodies had always had a voice, but up until 1964 the more successful groups had been the temperance movement – alcohol had become harder to obtain, facilities were closed down and to the chagrin of many a politician (or tourists depending on whether the explanation is believed) one could not enjoy an alcoholic beverage over a late lunch. Yet by the time the negotiations began for a new policy framework for licensing this movement had lost most of its influence – industry had regained a prime position. In many ways the presence of the temperance groups in meetings was a hurdle to be overcome not a serious partner in debate. Other groups with differing views were unhelpful in developing practical, workable policy.

There were distinct examples evidencing that a privilege of access for certain alcohol groups, primarily the brewers was in existence. Their status was key and vital to the policy development since they influenced or owned the majority of alcohol retail venues so had a clear delivery role for the policy. They had the power to affect policy beyond the civil service, thanks to the brewers lobby, yet they also found some of their policy ambitions or specifics resisted successfully by the civil service when they went further than government desires. Influence was felt, the evidence was clear, yet for the most part the negotiated structure meant that it was not always demonstrated absolutely. The temperance movement, still highly organised at this stage, also had an element of privilege of access – more than many smaller alcohol groups. Yet they did not effectively influence policy development and did not get early sight of direction or detail – this despite their expectations that they would. Other alcohol and regulatory groups had elements of early insight, as well as influence on policy but there were restrictions and caveats placed – occasionally even requiring the consent of the brewers. The two-stage solution – the Licensing Act 1960 being generally uncontroversial, with the Licensing Act 1964 being a larger shift also showed influence – the greater the controversy the more the engagement with the major alcohol producers and retailers. Influence was felt, and there was certainly a main player in the Brewers' Society who was the primary consultee, but this was not a homogenous sector

even at this stage – with privilege relatable to scale and potential to implement policy.

The case study of the development of the Licensing Act 1964 offers evidence of a policy community that held tightly to the characteristics of Daugbjerg (1998) and showing strong evidence that the traditional policy community approach. It was formed of groups who gave something back and who had something to trade with other participants. This trade-off relationship developed slowly into a seemingly stable policy community with some groups having slightly less influence – something similar to that found by Grant, Paterson, and Whitston (1988) in relation to the chemical industry. At the core of licensing issues with the Brewers' Society and to a lesser extent was the British Hotels & Restaurants Association, then a secondary grouping of other alcohol providers and the off-licences who acted as a subsidiary on the specialist issues. Yet if we ignore that this was a shift – a major change from the previous environment when the temperance groups had enjoyed such success and alcohol producers found themselves outsiders then the entire policy window is not considered. Whilst in isolation the traditional approach fits almost perfectly and explains much – it does not explain fully power shifts. Equally there is not sufficient evidence to either eliminate or confirm the existence of an alternative policy community – with the lack of an obvious venue being the most complete explanation for this lack of evidence.

The reforms of the Licensing Act 2003 represented a more radical shift than its predecessor in the 1960s. There was privilege exercised by groups in many ways. This started with the venue, the established policy development in the Home Office was less flexible, unable to deliver the degree of policy shift that had been directed by the government and agitated by certain elements of the alcohol industry. The shift to the Department of Culture, Media & Sport, a venue more favourable to this more radical policy, benefitted greatly certain alcohol producer groups and allowed a policy outcome they desired. It also shifted influence to other groups, such as the Local Government Association, on the delivery of the regulatory structures for the licensing regime, cutting out the Magistrates Association entirely. On a basic level this could be considered almost complete dominance – when the rules of the game no longer worked for the alcohol sector, the simply

changed them, showing dominance. Yet this misses key elements, it required government consent, other, new willing group participants outside of the alcohol sector – and it missed the huge divisions within the alcohol sector, such as the representatives of the nightclub sector or the Independent Family Brewers of Britain, who fiercely and actively opposed the shift being led by the British Beer & Pub Association. There is a complexity to influence within the Licensing Act 2003; it required consent or acceptance on overall policy direction, willing partners and an almost disunity within the alcohol sector to abandon elements that did not desire policy change.

In terms of the policy community approach, the traditional policy community was in many ways found thirty-nine years later – where the incremental changes (the odd hour extensions here or there, removal of the afternoon closing hours) show an indication that this persisted. Therefore, the policy outcome had a direct effect on policy community structure going forward – it was a relationship where a policy decision had a long effect on future policy direction. Some things did change between these periods – mainly the groups themselves. The temperance groups developed into research organisations, the medical and health community became aligned with them. The groups changed, both in becoming more recognisably professional lobbying organisations and some interest differences as the off-trade sale of alcohol grew. Despite this the community effectively held out throughout. The Licensing Act 2003 started at a different point – the direction of travel, what the ‘facts’ were, and many other key assumptions were held mutually between the main participants. To achieve this radical change, in a much more obvious fashion, an alternative policy community was obvious and more notably came to become the core policy community, usurping its predecessor. A new government department took over – groups who did not accept the policy direction were somewhat ruthlessly excluded. Decades of incremental change were swept aside and in doing so unarguably alcohol licensing suddenly became a more prominent issue in the public consciousness. Scotland also demonstrated that whilst being part for a policy community led to some progress, it was not without limitations. The previous membership – with their strict technical focus had greater experience of impacts and outcomes. That success has not been apparent may help explain their lack of membership elsewhere – that in later chapters the greater role

played by the health community is considered in terms of greater policy divergence is also worthy of consideration.

The development of the Licensing Act 1964 reflected a stable policy community that can be effectively explained by a traditional policy community approach – with the spectrum that surrounded the most fundamental issues for alcohol and kept legislative changes to the minimum. The Licensing Act 2003 required the jump of the policy community to an alternative and changed the entire course of policy development. It also symbolised that an alternative community may be dormant or lack clear evidence of its existence until a policy window that give an opportunity to shift appears. Throughout these case studies the evidence is clear that without negotiated nature of the policy community approach in allowing this radical change to become a reality potentially this liberalisation of Britain's licensing laws would never have happened – being outside of public consideration for much of its development facilitated the policy shift in a way a more consultative approach would have not.

## Chapter 4

### Drink-driving – unacceptable or negotiable?

#### The development and review of Britain's Drink-driving Laws

*'When the final result is expected to be a compromise, it is often prudent to start from an extreme position.'*

John Maynard Keynes (1925)

Alcohol consumption has many potential consequences that Babor (2010) would consider to be against the public good, yet none have a more comprehensive argument than that of drink-driving. It is a focus of considerable attention – publicly at least there is unity that drink-driving is something to be stopped, or indeed eradicated – there is little sympathy for perpetrators of drink-driving. On the fiftieth anniversary of the Drink-driving Act, the Department for Transport (7 November 2014) published research that showed 91% of the population agreed that drink-driving was unacceptable – and a slightly greater number at 92% would be ashamed if they were caught drink-driving. Whilst acknowledging this perception, it does not stop arguments over the practicalities and technicalities of the policy surrounding drink-driving on which this chapter shall focus. For the purposes of this chapter drink-driving is considered to be an action that sees an individual over the legal limit of alcohol (whether by quantities in blood, breath or any other method) and policies introduced to enforce that limit. Whilst not the social taboo of the modern era, drink-driving became an issue of serious policy concern in the 1950s and 1960s as part of the discussion into licensing reform. This was not the first attempt to influence or legislate - the offence to be drunk in charge of a vehicle had been on the statute book since the Criminal Justice Act 1925. Technology played a significant role, developing at a rapid pace in the 1960s, giving for the first time an opportunity to enforce the laws with the production of the breathalyser. This took policy from principle into practice and created an environment for reform. As a specific policy issue it is both inside the wider alcohol policy arena and also being distinctively different – it is an area that involves road safety combined with a criminal act, a settled scientific argument that alcohol impairs driving and it involves interested parties who are normally separate from the wider arena. Drink-driving is an arena of alcohol policy which appears to attract, at least in public, the lowest levels of interest from the alcohol

sector in defending their product's consumption. This can be considered due to its severe negative perception, but nevertheless the development of policy in this area undoubtedly has a significant impact on the sector. This chapter will seek to understand whether they are actually disinterested, ambivalent or instead have influence by different means. This could include the actual framing and understanding of the policy issue – whether it is one of active prevention and avoidance entirely of risk or something somewhat softer in terms of strictly enforcing a deemed unacceptable level of behaviour. This understanding of desirable policy outcome, whether it is shared collectively, or more broadly an accepted limitation on policy will help better understand whether influence can be felt and not seen within drink-driving.

The first section will consider the initial development of drink-driving laws that effectively began in the 1960s when interest peaked due to a combination of statistical evidence and media pressure – becoming an area where Ministers effectively demanded action. It will analyse how the policy came from a concept to a regulatory measure that could be enforced, the policy community or communities that played a role and the original settlement on the crime of drink-driving. The second section will consider the various parliamentary inquiries into drink-driving law, alongside departmental reviews, with a major focus on the large scale Blennerhassett and latterly the two North Reviews of drink-driving. In analysing these examples it is seeking to understand the role policy communities have played in the shaping of drink-driving laws in the United Kingdom and whether these communities are more traditional or adversarial in behaviour. It will also seek to consider what positions are taken by groups in this difficult area where there are not public advocates in favour of drink-driving, instead seeking to understand what positions and strategies are taken to influence and manage policy development.

The final section looks at the devolved Scottish Parliament and Government which, in the same timeframe of the North Review, went in a different direction with a reduction in the drink-drive limit, arguably making it almost impossible to consume any alcohol and drive. It will seek to understand if the evidence base was different, whether the groups were different or whether the policy communities

were different – or a combination of the three that led to a different policy outcome on an area with less partisan positioning. It will consider if the effective creation of a policy community by design gave space for public health interests, or if a better explanation can be found by an understanding of adversarial policy communities. The conclusion will give an overview of how policy communities have influenced policy on drink-driving alongside how devolution and the establishment of new network structures have had an influence on policy development. It will seek to understand whether a policy community exists for drink-driving policy and of what style; and whether decisions made in a devolved setting offer further considerations of policy communities that either support or challenge the adversarial policy communities approach.

#### **4.1. The development of drink-driving policy**

By the 1960s previous attempts at policy interventions on drink-driving had generally been seen as, at best, limited. The situation was serious enough that in the Commons the Home Office Minister stated in a licensing debate that, ‘The whole country is deeply shocked by the increasing carnage on the roads. It is impossible to say to what extent this is aggravated by drunkenness whether in the case of a motorist or a pedestrian,’ (HC Deb, 1959-60c). The challenge of enforcement was serious and not an easy issue to overcome. It was a crime to be drunk in charge of a motor vehicle from the Criminal Justice Act 1925, with the more specific crime of drink-driving, which related to being in proper control, coming with the Road Traffic Act 1930. There was no clear method of assessment nor was there a clear, scientifically accountable, measure of drunkenness. This began to change in the 1960s, when effectively the modern strictly negative understanding of drink-driving appeared, as national statistics showed a significant level of casualties from drink-driving, without the accompanying level of prosecution. It was a crime to which arguably many would escape punishment and this focused political attention on it – giving Ministers a political arena that needed a policy solution. At the same time there was active positioning to focus this as a transport, and criminal, issue rather than one for alcohol-related groups and their existing policy communities.



The two Road Safety Acts of the 1960s and how they developed, have had a lasting impact on policy outcomes. The issue of drink-driving appeared prominently in the Parliamentary debates that led to the Licensing Act 1961. Provisions were made in that Act that were cited as specific discouragements to drink-driving – namely surrounding the uniformity of closing times to discourage people driving from venue to venue to find a later drink service. Drink-driving was also identified as an area that could not adequately be addressed by licensing measures in their totality. The position and tactical positioning was neatly surmised by Lord Balniel, that ‘I think the remedy lies in penalties under the Road Traffic Act for drunken motorists and not in the licensing laws. The majority ought not to be penalised because of the criminal folly of the few. I do not think we should get the right result by proceeding in that direction. Of course, a discussion on the adequacy or otherwise of the road traffic legislation would be outside the scope of this debate,’ (HC Deb, 1959-60b). This position was emphasised in private discussion by groups representing alcohol interests such as the Brewers’ Society (Home Office, 1 December 1960c), whilst being discouraged by the temperance movement (Home Office, 28 July 1960). The active shifting of an issue from one established policy community to another, directed by the major participants, offers an insight to the challenge of drink-driving. Whilst an interest remained, the negative light in which drink-driving was seen was too risky to pollute negotiations in other areas if it was not separate and effectively isolated as a unique issue for solitary negotiation. This is indicated by the change in tone; whilst the alcohol groups had historically taken a firm position against attempts to further regulate drink-driving (see Luckin (2010a, p. 1542)), the major participants had by the early 1960s decided this was an area to have a more nuanced influence over, so took a step back from direct involvement. The groups who appeared to lead in this policy community can be found within cabinet minutes (Cabinet Office, 1962-1965) which demonstrate that the major participants were motoring groups – led by the Royal Automobile Club (RAC), Automobile Association (AA) and the Society of Motor Manufacturers and Traders, alongside those with a medical interest such as the British Medical Association (BMA) and the Medical Research Council. The Royal Society for the Prevention of Accidents (RoSPA) was also involved but were seen to be more on the side of the motorist lobby (see Luckin (2010b, p. 357) and Greenaway (2003, p. 167)), working with these groups in securing negotiated, incremental outcomes rather

than major changes. A new interest group, which would soon play a significant role also appeared, the Pedestrians' Association. They had found a parliamentary champion in Sir Graham Page MP who would become progressively more involved in this issue. They were, 'more of an outsider group and had poor relations with RoSPA, which it saw as too pro-motorist and too closely linked to the MoT', (Greenaway, 2003, p. 167).

At the same time as the first attempt at alcohol licensing reform was passing through Parliament (what became the Licensing Act 1961) progress began on a new Road Safety Bill that would subsequently become commonly known as the Marples Act, after the Minister for Transport at the time, Ernest Marples. Marples certainly took on personal responsibility for the new legislation – 'he told the Observer that he would now stake his career on reducing the incidence of drink-driving,' (Luckin, 2010a, p. 1541). Various groups began showing an increasing interest in the area – with a shift in BMA policy from recommending a doctor's assessment for whether someone was incapable of driving to a more scientific methodology – the use of either blood or urine to measure a level of alcohol. Equally the Magistrates' Association was seeing an increased level of court activity, without the capability to actually set punishments or see convictions (British Medical Association & Magistrates Association, 1961). Whilst enthusiasm for measures was increasing from interest groups on the side of the medical community and judicial environment, there was still significant resistance from motoring groups, which given the close relationships they had with the Ministry would be challenging to overcome (Cabinet Office, 1962-1965). The differing positions of the Pedestrians Association and RoSPA are also indicative – with the Pedestrians Association despite strong machinations from their parliamentary champion including private members bills – not finding themselves within the policy community (Cabinet Office, 1962-1965).

The Bill, as proposed by the Minister, looked to take on board the concerns of the groups pushing for a stronger regulatory environment with a range of proposals that would later appear in legislation. Yet in this circumstance the Bill was severely watered down – primarily by other Government departments fearful of negative publicity and legal challenges (Otton, 2 December 1960). It had some important

elements – refusing to give a sample on request could be used against you in court, ‘impairment’ to driving rather than ‘incapability’ became the legal test and an actual limit of sorts did appear – with 150mg of alcohol per 100ml of blood being seen as definitive proof of impairment though, ‘this was a very high level (roughly equivalent to two thirds of a bottle of whisky)’, (Greenaway, 2003, p. 170) yet this was not the level for prosecution – it was up to the courts to decide if someone was impaired at a lower level. The Marples Act itself has many forming elements that fit within an analysis of the traditional policy community approach. Yet the addition of the Pedestrians Association into the policy environment clearly disrupted relationships and the external voice of the BMA caused the profile of the issue to increase. Overall the Act, again in a similar paradigm to licensing, was in many ways groundwork for a later Act that set forth more wide-ranging changes. Somewhat disappointingly for Marples his Labour opposition made the same arguments as he had been making across the Cabinet, yet could not secure support for. When the General Election of 1964 saw Labour come into Government there was immediate pressure for a new policy – with Tom Fraser, the new Minister, ‘had rather rashly hinted at legislation before Christmas 1965 in an ITV interview’, (Greenaway, 2003, p. 170). Soon Barbara Castle replaced Tom Fraser as Minister and sought to progress with drafting a Bill. There had been major changes in this period in terms of the positions of groups with the Royal Society for the Prevention of Accidents, previously an ally of motoring groups opposing a legal limit, shifting to support after pressure from their membership (Royal Society for the Prevention of Accidents, 1964). The Government sought the advice of the Medical Research Council on what would be an appropriate limit for blood alcohol (*Road Safety (C. (65) 136*), 27 October 1965) and accepted a recommendation of 80mg per 100ml, which the BMA had also highlighted as appropriate in its own research (British Medical Association, 1965). At the time this limit was described by Barbara Castle as, ‘If they have had a good meal and are drinking in a leisurely way, and are used to drinking, it could take six pints of beer or six large whiskies to produce the prescribed limit,’ (HC Deb, 1965-66). This limit was consulted upon with the motoring organisations (*Drink and Driving (H.(65) 107*), 31 December 1965). In effect this was a negotiated position with groups and most opposition had evaporated.

On the breathalyser there was some minor conflict regarding reliability, but the requirements for blood or urine for prosecution to an extent overcame these concerns. There was a pause with the April 1966 election that created more conflict. There were some outsider groups who took more stringent positions – indeed, ‘during the election of April 1966, which separated the two debates, the minister was subjected to vitriolic personal abuse. In addition, a bizarre, alternative ‘Barbara Castle’, representing a splinter-group violently opposed to all forms of testing, unsuccessfully attempted to confuse the loyal voters of Blackburn,’ (Luckin, 2010b, p. 369). This external, somewhat extreme attempts for influence was uncommon but other elements were firmly opposed by the major motoring groups – specifically a provision for random testing – where the police could stop any car, for any reason and request a test. Whilst this was popular with most groups, and found support within the wider Government, motoring groups vehemently opposed it and opposition MPs took up the charge as well. Their effect was certain – this provision was dropped between readings of the Bill. Alcohol groups had remained quiet throughout this process, with the issue having public popularity and indeed being an area of high negative media coverage – a solution would obviously be useful as it interfered with arguments elsewhere, with a specific desire to disengage drink-driving from licensing policy. Alcohol-producer bodies even, ‘had circulated [materials to] licensees about the dangers of drunken driving and had offered cooperation with RoSPA on the issue’, (Greenaway, 2003, p. 174). The realisation of this level of passionate disinterest from alcohol-producers, even trying to negate other elements of the alcohol industry who attempted to campaign against the policy - ‘in 1967, the breathalyser caused divisions between the licensed victuallers and the brewers; the latter tried hard to prevent publicans from launching a campaign to get the public to write in protest to MPs,’ (Greenaway, 2003, p. 174).

There had been a lack of a sustained public interest in the issue of drink-driving – it was on the edges of public discourse, not a focus or major concern. It was only when the issue came to the fore in terms of media coverage and new groups, accompanied by an ambitious new minister, which suddenly created a window for more radical policy development. When considering what this tells us about policy communities, considering the Daugbjerg (1998) typology and as table 4.1 outlines,

the environment shares many characteristics in line with a traditional policy community. Looking first at the membership, there is a limited membership that is very focused on transport interests – road users, accident or health and safety groups and larger transport lobbies. This also included participants who have sought engagement on licensing such as the BMA and Magistrates’ Association but were in general separate and distinct from the policy community membership observed within licensing. In terms of integration, there was engagement with the Department for Transport that was close and a two-way exchange of information – it fits the traditional policy community typology in many ways, although obviously the policy was not incremental – that in itself does not discount a traditional approach although it would normally have been expected. It was also apparent that on an institutional basis there was a clear consensus on the necessity for action, as well as an understanding that a more scientific means was needed to regulate the issue of drink-driving.

***Table 4.1.: The policy community surrounding the development of the laws on drink-driving compared to the Daugbjerg (1998) typology of policy communities***

<b><i>Dimension</i></b>	<b><i>Policy Communities</i></b>	<b><i>Development of the Drink-driving Laws</i></b>
<b><i>Membership</i></b>	Very limited number of members. Narrow range of interests represented.	Whilst there was a wide level of group consultation, the membership was limited. Primarily drivers’ group and the safety group that generally aligned with drivers’ interests. Alcohol-producer groups excluded.
<b><i>Integration</i></b>	Bargaining and negotiation.  Frequent interaction.	Frequent meetings with the drivers’ groups and RoSPA.  Drafts and concepts shared between groups and Government.

<b><i>Institutionalisation</i></b>	Consensus on policy principles and procedures to approach policy problems.	Surrounding the Department of Transport, there was clear agreement that a new law was required and use of technology. Two-way negotiation on policy challenges.
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The changes made in the development of the drink-driving laws were more than incremental. They represented a shift in attitudes, enforcement and the criminal regime that compared to the very limited levels of prosecution previously in place, which was on this basis almost radical. This more extreme shift in policy would arguably fit more closely with the conceptualisation of adversarial policy communities. The argument would follow that the radicalism creates the potential for an adversarial policy community to come in and take over the issue – yet the observable environment appears to follow more closely model the traditional approach, with no clear core and alternative with the existing, or arguably only policy community leading. Considering table 4.2. that considers the developments alongside the typology for adversarial approach, there is a clear discernible core policy community that mirrors the traditional approach and the focus on the Department of Transport is very important. The split between the victuallers and brewers on this indicates that to an extent what can be framed as toxicity of the issue may have prevented a more aggressively anti-legislation adversarial policy community coming to prominence or being more obvious. On the other side the split between RoSPA and the Pedestrians Association on the level of action required, with one group not part of the core conversation also indicates that an adversarial community on the other side could also be considered but again evidence was lacking.

**Table 4.2. The policy communities surrounding the development of the laws on drink-driving compared to the adapted Daugbjerg typology for adversarial policy communities**

<b><i>Dimension</i></b>	<b><i>Core Policy Community</i></b>	<b><i>Development of the Drink-driving Laws</i></b>
<b><i>Membership</i></b>	Very limited number of members. Narrow range of interests represented.	As table 4.1.
<b><i>Integration</i></b>	Integrated into the dominant body for policy development at any specific point. Bargaining and negotiation. Frequent interaction.	The observable policy community is centred around the Department for Transport that leads on the policy area. As in table 4.1 same characteristics apply.
<b><i>Institutionalism</i></b>	Consensus on policy principles and procedures to approach policy problems.	As table 4.1.
<b><i>Dimension</i></b>	<b><i>Alternative Policy Community</i></b>	<b><i>Development of the Drink-driving Laws</i></b>
<b><i>Membership</i></b>	Very limited number of members, mostly different to the core policy community. Narrow, alternative range of interests represented.	There are two sets of groups (victuallers and groups such as Pedestrian's Association) excluded at either side of the policy – one calling for more radicalism, one less. Yet no indications that these are in identifiable alternative communities.
<b><i>Integration</i></b>	Bargaining and negotiation – of an alternative style to the core policy community, potentially including	Some indications that Pedestrians Association and victuallers using parliamentary advocates.

	alternative venues.	
	Frequent interaction.	
<b><i>Institutionalism</i></b>	An alternative consensus on policy principles – with potential use of alternative procedures to approach policy problems.	Attempts by the Pedestrians Association to amend policy within parliament and more direct advocacy.

Indeed the traditional policy community approach appears to hold true - the shift of position by motoring groups and RoSPA ahead of the 1967 Act to fit the new public consensus indicated that it may have adapted and survived in a similar fashion to the M. J. Smith (1992) example of the agricultural policy community, where a community sustained itself by incorporating a new public consensus, whilst still limiting other shifts on policy. The typology also fits closely with the adversarial core policy community, especially its extreme focus on the Department of Transport. The identification of a clear alternative policy community is the clearest way to identify it, however the attempts by the victuallers and Pedestrians Association do indicate that the groups interest in being parts of alternatives do exist. The final consideration is the opting out of the Brewers – could there be an alternative policy community that is choosing not to actually activate their own policy influence, as right now the core policy community is delivering as desired? What is clear is that there is satisfaction in not being part of the decision or development from the Brewers perspective, and that this is an intentional disengagement. In the previous chapter the reforms indicated that some groups could switch between policy communities to their own advantage – this may identify that on some occasions the advantage is found in being in a quiet alternative, rather than a prominent core. Later developments in drink-driving policy provide further opportunities to investigate this possibility.

## 4.2. Review and development of the drink-driving laws

At first the new measures in the Licensing Act 1967 met with some success and become established, stable policy. In 1968 new technology, the breathalyser, was introduced improving the practicality of enforcement. It was accompanied by a new, nationwide advertising campaign and followed by increased public interest in



the topic. Yet within a year of this introduction the number of accidents and fatalities had begun to rise once again ("Road safety and the law," 1980). For the policy community surrounding drink-driving, comparatively little changed. The considerable shift that had been made to introduce a specific alcohol limit and the technological development of an enforcement mechanism had appeared to have effectively put the issue to bed - with the odd incremental change having limited effect on the wider policy outcomes. This status quo eventually become unsustainable as media and public interest once again focused on the rising casualty rates ("Road safety and the law," 1980). The next stage of this interest was a new, expert investigation in this circumstance chaired by Frank Blennerhassett QC. Rather flamboyantly the committee included the two-time Formula One World Champion Graham Hill, though he died midway through the report's development. The committee would go on to produce the Blennerhassett Report that made a series of recommendations on policy in relation to drink-driving. The outsourcing of policy research and recommendations to experts was a seemingly logical position. The process of implementing these recommendations was conversely convoluted and challenging. What the role of the drink-driving policy community in both the report's development and the subsequent changes in policies will be considered in the section. Further reviews were commissioned on drink-driving, two of them led by Sir Peter North decades apart in the late 1980s and the first decade of the twenty-first century, with the second having impacts both in the wider UK, which will be considered in this section, and the Scottish context, which shall be considered in the following section. In essence this section will consider the period from the early 1970s until the twenty-first century, looking at both the specialist commissions and reports, alongside the reaction to these recommendations whilst considering the policy community approach. In considering the outcomes, views and development of policy it will also seek to understand whether it can be better understood by the traditional or adversarial policy community approach.

At the introduction of the drink-driving laws, there were almost around six definable areas of interest – the drivers' groups who were generally protective of drivers' rights and against elements such as random testing with a propensity for softer measures on enforcement; the road safety groups who at that stage had

been divided into those who wanted more aggressive measures and those who worked more closely with the driver interests; the police and legal groups who wanted a clear enforceable system; the medical groups whose concerns related to driving down the harm caused by drink-driving whilst also providing some scientific analysis; and the two separate alcohol groupings – the alcohol producers who were actively avoiding the issue, but supported random testing, and the alcohol retailers, mainly those within the on-trade, who were generally conflicted but not actively opposing measures that allowed their customers a certain proportion of alcohol consumption before they were classed as a drink-driver. By this stage there had been movement – the drivers' groups were becoming increasingly hardened against drink-driving, the road safety groups were becoming more aligned and the medical community was taking an increased interest in the topic. These movements led to developments within the policy community relationship, which affected the wider policy environment within drink-driving.

Following the initial introduction of the new drink-driving laws, there were initially policy outcomes that followed the stated policy objectives for drink-driving policy. Deaths and accidents were down – with the public generally acknowledging that drink-driving was not only illegal, but clearly a taboo as well. This was not to last - as H. L. Ross (1988, p. 863), a prominent sociologist on alcohol issues, notes that 'within a numerous evaluators agree that the results were temporary and that the savings disappeared within 2 to 3 years', (H. L. Ross, 1988, p. 863). He goes on to add that, 'my interpretation of the reasons for the success and failure of the Road Safety Act is that its provisions, being widely publicised because of their controversy and newsworthiness, were taken as evidence that the likelihood of punishment for drink-drivers had been importantly increased. Although arrests did increase, the level of actual law enforcement was far lower than initially imagined, and the public over time learned that the threat had been exaggerated.' So as public understanding of the costs to drink-driving changed, with apparent less threat of enforcement, their obedience and effective endorsement of the policy dropped. This also contrasted with what the public appeared to actually want - that 'a public opinion poll taken at the time of the passage of the 1967 Road Safety Act, which introduced breath testing and the legal

limit for drivers, showed that 71 per cent believed that the measures introduced by the government were not strict enough,' (Baggott, 1986, p. 484). There was potentially significant support for firmer measures, whilst also an apparent form of contempt for the existing measures that had been put in place.

In the debate over what became the Road Traffic Act 1974, drink-driving appeared as a point of argument, yet not an issue that the government was in the process of developing policy on (HL Deb, 1973–4). This led to the issue effectively being moved to a different venue with the Minister for Transport, Fred Mulley announcing a new committee, stating that 'The terms of reference of the committee will be; To review the operation of the law relating to drinking and driving and to make recommendations,' (HC Deb, 1973-74). It was generally agreed that this committee, to be led by Judge Frank Blennerhassett QC, would have a relatively broad scope to consider issues surrounding drink-driving policy, consulting with all interested parties and making formal recommendations to government on policy. It was expected that the report would be completed by the autumn of 1975. The committee set about its work with a number of oral evidence sessions – organisations represented at these sessions included the Association of Chief Police Officers, the BMA, the AA, the RAC and the Royal Scottish Automobile Club alongside individual legal, scientific and transport experts. Notably neither the Pedestrians Association, nor RoSPA, were called for oral evidence – though both provided written submissions. RoSPA had moved position to one very similar to the Pedestrians Association – it appears this led to less incentives for its participation in the policy community. Notably, and in a similar fashion to the earlier 1960s examples, there was limited presence from the alcohol groups – the Brewers' Society submitted no evidence, nor any other alcohol producer group. The only representation came from the National Association of Licensed Victuallers, the same grouping who had attempted to run a poster campaign against breathalysers in the earlier development of drink-driving policy. In this circumstance they were seeking to have no change to the drink-driving limit.

The report was delivered to John Gilbert, the new Transport Minister, in February 1976, following a considerable inquiry that had considered all of the submissions, datasets and completed some international research. As a primary point it

recommended maintaining the 80mg of alcohol in 100ml of blood that was set in the 1967 Act, which had previously been the red line of motoring organisations and so received their consent. Interestingly the AA also provided evidence that drivers were becoming more favourable to random testing (Blennerhassett et al., 1976, p. 21) which had also previously been an area where motoring organisations had been in an active dispute with government. Whether this was a full move to acceptance, or a targeted concession is uncertain, however the report, whilst acknowledging this issue as something that could be progressed, did not make it a recommendation. Formally it made a further five full recommendations and then two related recommendations. The first change is that a breath test should be the primary evidence basis to make the process easier (at the station, not the roadside) to make the process easier. It also reinforces that a police officer should be able to request a breath test, whilst also relaxing procedural requirements. The next two recommendations demonstrate policy shift – introducing a new punishment should exist for high-risk cases - those considerably over the limit and repeat offenders – where a licence will only be returned when a court is sure that the individual does not present an undue risk as a driver. The final recommendation is for a continuing programme of publicity, which had previously been based on whether a successful bid for funds from the Treasury had been secured. These recommendations were encapsulated with two others – that all of these measures should be implemented concurrently with maximum provision – and that licensing of premises in relation to road location should be looked at again more closely.

The report, though welcomed by the government (HC Deb, 1975-76), to an extent was passed over for further action for a considerable time. The tensions surrounding the later years of the Callaghan government certainly played a role with one senior civil servant writing in a letter to the Department of Transport that, 'there is much to be said for fresh thought about the wisdom of legislating drinking and driving at the present time', (Trafford-Owen, 11 May 1977). The concerns surrounded the actual legal practicalities of random testing and the equipment purchases necessary for breath testing. High-risk offenders presented a different issue with uncertainty on how to assess when they no longer became high-risk. The implementation of the now well-known Christmas advertising blitz

on drink-driving was however approved as a long-term commitment. When considering what this means for the policy community approach, the evidence and examples can be considered in a manner that fits the traditional approach. As outlined in table 4.3, the membership was refined slightly, with RoSPA - that had changed to a more negative, less conciliatory tone in terms of being much more in favour of new measures, tougher limits and greater actions, ejected. Alcohol groups had remained excluded, yet there was very little evidence indicated that they had desired inclusion or involvement in this debate beyond the victuallers. In effect, it had become even more tightly aligned with the typology within the traditional approach. This stability is telling – recommendations made within the Blennerhassett report were then effectively negotiated, in a highly integrated fashion with those who had to implement them and became more incremental and less fundamental. As advised by the civil servants, the Government recognised that it was not time for more dramatic or radical policy transitions – there were instead better methods or more stringent implementation of existing measures available, which were deliverable through the members of this policy community. On a basic level – both sides were in consensus on the principles in approaching the problem – this was not about radicalism, but in effect, populism, with considerable shift undesirable. A potential argument can be made about low-hanging fruit being the target – this was an issue of policy implementation rather than policy development.

***Table 4.3. The policy community surrounding the recommendations of the Blennerhassett Report compared to the Daugbjerg (1998) typology of policy communities***

<b><i>Dimension</i></b>	<b><i>Policy Communities</i></b>	<b><i>Response to the Blennerhassett report</i></b>
<b><i>Membership</i></b>	Very limited number of members. Narrow range of interests represented.	The consultation was narrower than previously, focused on drivers' groups. Limited participation from other groups and alcohol-producer groups involved only at a distance.
<b><i>Integration</i></b>	Bargaining and negotiation.	Government and groups worked out options – often watering down

	Frequent interaction.	report recommendations, with coordinated responses.
<b><i>Institutionalisation</i></b>	Consensus on policy principles and procedures to approach policy problems.	Clear consensus on need for gradual progress and public facing items such as advertising campaign.

An alternative analysis, which to an extent is indicated through the report's policy recommendations, can be made for the adversarial policy community approach. In this circumstance the core community fits the traditional narrative, with groups surrounding and participating in the departmental committee that drafted the Blennershasset report being an alternative committee. In this circumstance the core committee, as outlined in table 4.4. surrounds the Department for Transport, it is increasingly exclusive and integrated within the department. In effect, it is an arm to limit the scope of policy down to principles considered agreeable - more populist measures like an advertising campaign were actively engaged with and supported by all. Even when concessions were offered, they appear to have been negotiated back to *de minimis* or light touch measures as practical implementation measures took hold – ease and cost being major concerns. The departmental committee represented an alternative venue around which a policy community formed – this community also had a narrow membership, with slight crossover with the core, but effectively dominated by the safety groups in contrast to the drivers' group domination of the core. That an alternative community could be seen to have formed around the first alternative venue of note also indicates that other alternatives may have existed – it is unlikely that this was purely spontaneous – but on a basic level it gives merit to the adversarial approach.

**Table 4.4.: The policy communities surrounding the recommendations of the Blennerhassett Report compared to the adapted Daugbjerg typology for adversarial policy communities**

<b><i>Dimension</i></b>	<b><i>Core Policy Community</i></b>	<b><i>Response to the Blennerhassett report</i></b>
<b><i>Membership</i></b>	Very limited number of members. Narrow range of interests represented.	Narrow membership focused on drivers' groups and represented. Previous members now excluded.
<b><i>Integration</i></b>	Integrated into the dominant body for policy development at any specific point. Bargaining and negotiation. Frequent interaction.	Department for Transport and groups worked out options – often watering down report recommendations, with coordinated responses.
<b><i>Institutionalism</i></b>	Consensus on policy principles and procedures to approach policy problems.	Clear consensus on need for gradual progress, contrasting with firmer report recommendations and public facing items such as advertising campaign.
<b><i>Dimension</i></b>	<b><i>Alternative Policy Community</i></b>	<b><i>Response to the Blennerhassett report</i></b>
<b><i>Membership</i></b>	Very limited number of members, mostly different to the core policy community. Narrow, alternative range of interests represented.	Still narrow but focus more on safety concerns and harm from drink-driving. RoSPA, with a changing view, moving to an alternative committee.
<b><i>Integration</i></b>	Bargaining and negotiation – of an alternative style to the core policy community, potentially including	Still a bargaining structure, based around a transport departmental committee – separate from the main

	alternative venues. Frequent interaction.	department and core community,
<b><i>Institutionalism</i></b>	An alternative consensus on policy principles – with potential use of alternative procedures to approach policy problems.	A more radical approach to drink-driving policy and changes to areas which go beyond the principles of the core community – such as lowering the legal limit of alcohol in blood.

After the change of government in 1979, the Blennerhassett report was once again considered. A significant factor in this may have been the continued activities of Judge Blennerhassett himself whose series of direct engagements with Ministers played a considerable role – with letters being sent up until 1989 (Atkins, 26 September 1989). The focus of these changes saw the dropping of the random sample issue – generally speaking it was eventually acknowledged they had considerable authority to stop a driver on a number of related issues and this was not a primary consideration in terms of policy weakness (H. Woodhouse, to Randall, J. J., 19 May 1977). There was in turn a renewed focus on the high-risk offenders and breath testing considerations. Progress was made rapidly on the issue of breath testing with procedures developed, costs of equipment scoped, and training considerations clearly outlined. On high-risk offenders some problems were encountered. When looking at practical implementation of the policy they approached the BMA for guidance on assessing whether someone was high-risk. The BMA identified significant problems in releasing medical records or personal medical information to a judge, at the same time as making it clear there were difficulties with a medical recommendation alone for a doctor. Equally informing a first-time offender of the risk of offending for a second time was also an issue – the initial plan to ask the Magistrates' Association and the Justices' Clerks' Society to distribute a new leaflet on the scheme was not well received. Eventually a decision was made on making the Driver and Vehicle Licensing Centre distribute them at a considerable cost. The Transport Act 1981 saw these two new measures introduced – although the high-risk offenders' scheme saw criticism from Judge Blennerhassett as being inadequate in further letters to the department.



Whether it was because of this lack of progress or indeed to continue to gradualist approach the then Dr Peter North was asked by the government to carry out the Road Traffic Law Review (Department of Transport and Home Office, 1988) which would look at offences, enforcement and punishments. Like Frank Blennerhassett before him Dr North was a Queen's Counsel, who would go on to chair several government inquiries and be Vice-Chancellor of the University of Oxford. Whilst not specifically targeted at drink-driving it did find that drivers who were over the limit and caused a fatality were often not charged with causing death by reckless driving, instead often being charged with a lower alcohol-related offence as this was easier to prosecute. This issue was taken up by the Government in its White Paper, 'The road user and the law' (Department of Transport, 1989) where it sought to make a specific offence of causing death by careless driving while affected by drink or drugs. This became law in the Road Traffic Act 1991, with wide support across the political spectrum – and within the policy community that surrounded the Department of Transport. The next major review of drink-driving laws began in 1998, with a recently elected Labour government looking at a data set that showed a consistent level of deaths from drink-driving. The Department of Transport published a new consultation 'Combating drink-driving – next steps', which included a range of potential policy options and an indication of the Government's position. The consultation looked at three main areas in which Government policy could influence a reduction in drink-driving incidents - improving enforcement, improving the system of offences and penalties, alongside education, publicity and information. These wider headline points in effect meant giving extra powers to the Police to breath test, a streamlined court process, a lowering of the drink-driving limit to a blood-alcohol level of 50mg and increased education on the level of units in alcohol. The central tenet of this consultation, the most significant proposed change certainly, was the reduction in the drink-driving limit. The consultation noted, 'It has been estimated that about 80 road users per year are killed in accidents where at least one driver had blood alcohol over 50mg but no driver had blood alcohol over 80mg. Perhaps 50 of these deaths could be saved each year if the legal limit were reduced to 50mg and enforced as effectively as the current limit. Some 250 serious and 1200 slight injuries per year could also be saved,' (Home Office, 1998a). Crucially the consultation also noted that, 'The

Government therefore is minded to lower the drink-drive limit to 50mg,' (Home Office, 1998a). Intentions were in general clear – this measure would, it appears, save lives and the Government was of the opinion it would be an appropriate measure to follow through with.

The consultation solicited a variety of responses from individuals and groups with an interest in the policy environment surrounding drink-driving. Of interest there was significant support for increased breath testing powers for police, however less support for this to extend to unlimited powers or to introduce random testing. The current campaigns were supported and increased education thought useful. The consultation had a relatively clear response on the initial of a lower drink-drive limit, 'Of those who responded, 79% were in favour of a lower limit, 14% were against and the remainder expressed no clear view,' (Home Office, 1998b). There was a clear divide between groups on the blood alcohol limit issue, with the medical community, road safety groups and the police on one side - 'those in favour of a 50mg limit included such bodies as the Association of Chief Police Officers (and Scottish counterpart), the Magistrates' Association, the Justices' Clerks' Society, the British Medical Association, the Honorary Medical Advisory Panel on Alcohol, Drugs and Substance Misuse and Driving ("the Medical Advisory Panel") the Automobile Association, the Royal Society for the Prevention of Accidents, the Transport Research Laboratory and the Parliamentary Advisory Council for Transport Safety,' (Home Office, 1998b). They were opposed by the alcohol industry, some business groups and local councils – whose responses on this issue were evidently quite clear and firm. 'There was particular opposition to a lower limit from those representing the drinks industry, such as the Brewers and Licensed Retailers Association (BLRA), the Portman Group and various individual brewers, distillers and other drinks manufacturers. Other organisations against a lower limit included the Federation of Small Businesses, the Road Haulage Association, the Association of British Drivers, The Law Society and the National Association of Local Councils,' (Home Office, 1998b). The government response to this is somewhat unclear – they continued with their initial positioning on all other areas but had a convenient get-out on the blood-alcohol level issue, 'Since the consultation paper, the European Commission has indicated its intention to bring forward new proposals for harmonisation of the blood-alcohol level throughout

the European Union. In view of that, the Government will defer any further decision on the matter until the EC proposals are known,' (Home Office, 1998b). This position would not hold, as the proposals were to fall within the European sphere – meaning the Government would need to make a policy decision.

A new participant appeared when a variety of alcohol producers created the Portman Group, which had latterly become central in licensing reform. 'The Portman Group was established in 1989 by the UK's leading alcohol producers. Its role was to promote responsible drinking; to help prevent alcohol misuse; and to foster a balanced understanding of alcohol-related issues,' (Portman Group). Their participation in the drink-driving issue was interesting – somewhat set apart from the previously major alcohol trade bodies they had a different role – yet were still funded by, and took headline direction from, the alcohol industry. What happened next was of note in considering policy – appearing at the House of Lords Select Committee on the European Union, the Minister made a U-turn. 'Mr Jamieson, when giving evidence to the committee, repeated a hypothetical line of argument put forward by the Portman Group that there might be a public backlash against a lower limit which could lead to drivers ignoring the law,' ("Government 'under the influence'," 2002, p. 2). The Committee's report (House of Lords Select Committee on the European Union, 2002, p. 15) noted that, 'We note that the Department's position coincides with that of the alcohol industry but is opposed by local authorities, the police, the British Medical Association, the Automobile Association, the Royal Society for the Prevention of Accidents, the Transport Research Laboratory, and the Parliamentary Advisory Council for Transport Safety.' In general the report was particularly scathing to the Government's turnaround on this issue and rejected the arguments put forward by the Portman Group. Yet, the policy stood – indicative that when the existing policy community had begun to either fail, or be seen as now against the interests of another policy community who had previously sat idly by, they had intervened and sought to take control of the issue. This semblance of a new policy community for drink-driving with alcohol-producers suddenly now having a central role also mirrors the changes in licensing when a new consensus away from the traditional participants was sought by the sector in the late 1990s and early 21<sup>st</sup> century.

In December 2009, Lord Adonis, then the Transport Secretary commissioned the now Sir Peter North to complete a specific review of drink- and drug-driving laws. This review differed from the earlier North Review thanks to this targeted focus – where beforehand drink-driving was an element of the inquiry; on this occasion it was the only item of discussion. Speculation at the time indicated that he was minded to impose tougher laws (see Milmo, 2009), with a specific reference to a lower drink-drive limit. The position of the motoring lobby had also definitively changed with Edmund King, president of the AA, being quoted as indicating, ‘more than two-thirds of the organisation's members favoured a lower limit’, whilst at the same time warning ‘that imposing a 50mg rule could be the wrong answer, however, because the majority of drivers killed in alcohol-related accidents were significantly over the limit’, (Milmo, 2009). The report was set to be rapid – with a desire for initial advice by the end of March 2010. Once again an election would appear between advice being commissioned and potentially implemented with the final report being delivered to the new government in June 2010. The North Review (North, 2010) saw a much wider array of witnesses than his predecessor’s Blennerhassett’s report of some thirty-four years previously. Alongside the prior representatives, who were also seen, the inclusion of alcohol industry representatives, including the British Beer & Pub Association and the Wine & Spirits Trade Association; and the inclusion of a wide array of road safety groups including RoSPA, Brake and RoadPeace was highly noticeable. The lack of any appearance of the Portman Group, so prominent in the previous review as an umbrella group for the industry, was also worthy of note. The report made a series of technical recommendations, with the primary focus being on a reduction in the drink-drive limit to 50mg of alcohol per 100ml of blood and the introduction of random testing. The review did note the potential for impact on the licensed trade but felt that both effects would be limited to specific premises and the benefits considerably outweighed these costs.

Following the publication of the review the Transport Select Committee sought to investigate the recommendations ahead of a decision by the Department of Transport on implementation. Hearing witness evidence from Sir Peter North, various road safety groups and driving organisations they developed slightly alternative proposals. Similarly to the AA in the Blennerhassett review, the British

Beer & Pub Association, alongside other alcohol groups, positively promoted random testing as a better method than reducing the alcohol limit. Interestingly the evidence submitted both by the RAC (House of Commons Transport Committee, 2010, p. Ev 57) and AA (House of Commons Transport Committee, 2010, p. Ev 77) showed them in favour of the lower limit alongside the Road Haulage Association – whilst the Alliance of British Drivers, a much smaller body, was opposed. This investigation came up with a different analysis calling for the eventual implementation of an even lower limit of 20mg of alcohol per 100ml of blood – yet did not think the North Review's recommendations were a useful staging point causing confusion over what was the legal limit.

The Government responded (Department of Transport, 2010) to both reviews simultaneously. To an extent playing reviews off against each other they eliminated the headline items of random testing and the lower alcohol limit, whilst broadly committing to the rest of the recommendations. There were some caveats with potential for reassessment in the future and the investments in improvement in data collection that could lead to a rethink. Justification was sought through the potential for public confusion, the limited impact on casualties and the economic impact on business. The policies that were to be implemented would be targeted to limit these negative issues, whilst noting drink-driving was falling at a high rate in Britain already, which North himself had clearly noted. In effect the government took on board policy positions from the alcohol-producing representatives in a similar fashion to their predecessors in the late 1990s. Interestingly they still struggled with random testing despite it now appearing to have wide support across groups. When making a similar assessment to earlier reviews it is clear firstly that new participants have appeared – namely the alcohol producers – first in the guise of the Portman Group and latterly more openly. Part of this was due to a clear shift in motoring organisations – groups that had previously sat on the opposite side of the debate to the safety groups now joined them (House of Commons Transport Committee, 2010, p. Ev 77). The recommendations of the North Review were in line with the interests of the motoring organisations and safety campaigners – arguably a group similar to either the original traditional or core community. When the parliamentary select committee became involved recommendations were watered down and when the government responded the

recommendations opposed by the alcohol producers, yet backed by most others, were gone. There is an argument that the resources provided by alcohol producers, in terms of support for drink-driving campaigns, was now of more value to government than the motoring organisations. The outcome suggests power focused around alcohol producers rather than the collected other groups. Once again there was remarkable stability in policy despite external factors, with incremental changes that were commonly agreed. Considering that many questions asked by both reviews, and cited by Sir Peter North, surrounded the potential economic impact of the new measures on the licensed trade professional knowledge and technical expertise of this area was seen as important. Equally the wider groups also played a significant role in providing knowledge and expertise to the reviews. The end outcome was incrementalism, with a slowly increasing amount of law appearing regarding drink-driving. Despite this incrementalism there was a trajectory of change in policy that had momentum at key points for a faster pace. With the exception of the 1967 Act, this movement was gradual and did not move beyond the acceptable compromise between the alcohol-producer groups and other members of the policy community – there was a casual acceptance of the institutional elements of the community, a common consensus. The shift back of influence, the removing of recommendations on reducing the drink driving limit, could also be an unusually public example of the restrictive power outlined by Bachrach and Baratz (1962, p. 952) – limiting the scope of reference, whilst somewhat late in the process, it is indicative of the alcohol sector's wider influence.

When considering the role of policy communities in both the North Review and the policy outcomes, there are difficulties for the traditional policy community approach. In table 4.4. considering the Daugbjerg (1998) typology, on the dimension that considers integration we can find multiple elements that fit with the traditional approach – there is clear bargaining and negotiation of policy, alongside close and frequent interaction. This interaction is clear from letters, meetings and genuine two-way communication – the similarity in language used being a clear example of this environment. In the institutionalisation dimension, there became consensus on policy principles, but only after a shift from the government side to more closely match with the alcohol producer and retailer

groups' considerations. At first there seemed likely to be a move from the government, with the drink-driving limit being changed – lowered to a point beyond the long-term compromise. The engagement with the policy community focused on these alcohol interests brought the government side back to this longer term, institutionalised value. On membership there was certainly, eventually a very narrow involvement from alcohol groups – but it had become almost entirely unrecognisable from its membership at the time of the Blennerhassett report. It also clearly changed – pushing out the prior members such as RoSPA and integrating the Portman Group to a more central role – with clear, direct access to the government.

***Table 4.5.: The policy community surrounding the North Review compared to the Daugbjerg (1998) typology of policy communities***

<b><i>Dimension</i></b>	<b><i>Policy Communities</i></b>	<b><i>Response to the North Review</i></b>
<b><i>Membership</i></b>	Very limited number of members. Narrow range of interests represented.	Unclear – appears to be a step away from previous groups engaged in the community, with new participants. Rise of the alcohol groups in engagement on drink-driving.
<b><i>Integration</i></b>	Bargaining and negotiation. Frequent interaction.	Government and alcohol groups worked out options – watering down report recommendations, with coordinated responses.
<b><i>Institutionalisation</i></b>	Consensus on policy principles and procedures to approach policy problems.	Consensus appeared on need for incrementalism and slow shift, with no major changes – yet this was a shift back from an earlier position.

Given the challenges to the traditional policy community approach, there is also an imperfect fit to the adversarial policy community approach. Within table 4.6. the core community is outlined as being the one that surrounds the North Review

itself, but depending on the exact focus of the case study it could be considered to be either this or the alternative that surrounded the Transport Select Committee and potentially the Department for Transport itself. The shift in authority and the sudden interest from the alcohol groups in this policy area is telling. That they could come in as an alternative policy community and effectively become the core group so quickly indicates that may have always been in a position of dominance yet had almost outsourced the responsibility to another community that still fulfilled its objectives. The evidence indicates that rather than with licensing when an alternative policy community appeared to create an environment for more radical change, in drink-driving an alternative policy community came to challenge the core to allow for continued incrementalism of policy. In effect, this shows a potential dimension to the adversarial policy community approach that had not been fully considered – being the core community may not necessarily be directly related to being the most influential, instead be an element of delegated authority from an alternative policy community that has chosen not to be core whilst their policy objectives are being satisfied. The alternative policy community, seeing policy developments that did not satisfy their outcomes moved the venue of development to an area where they could have greater influence. It gives the impression more of a wayward child being brought back into line, rather than a clearer cut battle – as the influence was considerable as well as rapid.

***Table 4.6.: The policy communities surrounding the North Review compared to the adapted Daugbjerg Typology for Adversarial Policy Communities***

<b><i>Dimension</i></b>	<b><i>Core Policy Community</i></b>	<b><i>Response to the North Review</i></b>
<b><i>Membership</i></b>	Very limited number of members. Narrow range of interests represented.	Made up of the groups who once surrounded the Department of Transport – now surrounding the North Review – drivers, motoring and safety groups.
<b><i>Integration</i></b>	Integrated into the dominant body for policy development at any specific	They were closely integrated with the North Review, which in theory had the authority to



	point. Bargaining and negotiation. Frequent interaction.	set policy direction. The policies were closely debated, considered and detail negotiated.
<b><i>Institutionalism</i></b>	Consensus on policy principles and procedures to approach policy problems.	Importance of action made clear, outcomes based approach in relation to reducing harm from drink-driving, not considering related incidents.
<b><i>Dimension</i></b>	<b><i>Alternative Policy Community</i></b>	<b><i>Response to the North Review</i></b>
<b><i>Membership</i></b>	Very limited number of members, mostly different to the core policy community. Narrow, alternative range of interests represented.	Effectively the Portman Group representing producers and retailers of alcohol.
<b><i>Integration</i></b>	Bargaining and negotiation – of an alternative style to the core policy community, potentially including alternative venues. Frequent interaction.	The venue became the Transport Select Committee who were considering the policy. Evidence of frequent interaction.
<b><i>Institutionalism</i></b>	An alternative consensus on policy principles – with potential use of alternative procedures to approach policy problems.	Consensus on delivery of drink-driving messaging and enforcement of regulation, effectively without significant negative impact on the on-trade retail of alcohol.

### 4.3. Scotland – a different road travelled?

By 2010 Scottish devolution had allowed for considerable policy divergence with the Scottish National Party (SNP) government was progressively following a

differing cause to the rest of the United Kingdom across many policy arenas. Various examples are available to demonstrate their policy differences, with a useful example being their position on drink-driving. Following the publication of the North Review, they in turn took policy in a different direction – with Scotland seeking to follow the recommendation of a lower limit for drink-driving. This shift from the rest of Britain may well be argued to be caused by many factors, but a potential consideration is the differing structure of policy communities in Scotland compared to Westminster. Could what Keating, Cairney, and Hepburn (2009) define as territorial policy communities exist for this issue – helping to understand the reasons behind policy departures? Could these territorial policy communities be the alternative to a United Kingdom core? This section will look at the process leading up to Scotland's policy cleavage with the rest of the United Kingdom, seeking to understand the more appropriate policy community approach to understand the Scottish divergence. It will also consider whether this territorial model is a reflection of the Dudley and Richardson (1996) adversarial policy communities who effectively venue shop to get their desired policy outcomes, as outlined in the operational typology.

In Scotland many of the wider national alcohol producer groups have a presence, though for the most part they have no specific offices – the obvious exception being the Scotch Whisky Association and the Scottish Beer & Pub Association, until it closed its offices in 2014. Equally the structure of the Scottish market is very different with most licensed establishments being independent – especially public houses (see Sheen (2014)) and as such unlikely to be corporate members of the major associations. The Scottish Licensed Trade Association is a body that seeks to represent these independent businesses and has worked with the Scottish Government on the issue of minimum unit pricing – however it is not an interest group organised primarily for political representation – instead being more focused on the implementation regulatory measures and support on licensing. Alongside their counterparts in Westminster the Scottish Government received the North Review in June 2010. As the review in Westminster of the proposals took place there was a comparatively warm welcome in Scotland (Scottish Government, 2014). Subsequently with the Westminster government's decision not to lower the limit, a request for devolved powers was made to be able to lower the limit in

Scotland. This request was answered in the Scotland Act 2012 when specific authority to lower the limit was included – though further variation on the drink-driving scheme was excluded. The Scottish Government soon put out a consultation that in effect consulted on lowering the drink-drive limited to 50mg of alcohol per 100ml of blood. The news release accompanying the consultation (Scottish Government, 2012a) included supportive quotes from the Association of Chief Police Officers Scotland and the Lord Advocate. The short consultation saw 138 responses with some 74% in favour of the proposed reduction in the drink-drive limit (Mulholland & Granville, 2012). On the background of this a further news release from the Scottish Government (Scottish Government, 2013), welcomed this result with further praise for the policy from the Justice Secretary, NHS representatives and RoSPA. To an extent the issue then stepped back slightly from urgent Scottish Government promotion, with intent still out there, but limited public commentary or commitment in the run up to the independence referendum.

Not long after the referendum took place a new measure was laid by the Justice Secretary - The Road Traffic Act 1988 (Prescribed Limit) (Scotland) Regulations 2014 – that required only minimal Scottish Parliamentary time. The announcement was again made by press release with another supportive quote from RoSPA. The ability to make this change via statutory instrument led to a rapid implementation date – with the limit dropping on 4 December 2014. To an extent in line with warnings from the Scottish Licensed Trade Association the licensed trade sector saw significant declines. Their Chief Executive Paul Waterson indicated that, ‘the rate of pub closures has gone from three a week to seven since the new drink-drive limit,’ (Silvester, 2015). More dramatically the Bank of Scotland’s economic department reported that, ‘Scotland’s tough new drink-driving law is proving so successful at stopping people from indulging that it is damaging financial growth,’ (Green, 2015b). Beyond the economic effects of the proposal it was reported as to having no impact on the rates of offending (Green, 2015a) based on police statistics – the Scottish Government did state that the very slight decline despite a lower limit showed that the policy was actually working – something that was disputed by other commentators. Certainly outcomes are very different within the devolved scenario. The entirely different reactions to the North Review would indicate a different policy community, yet when the

participants are considered similar groups were consulted and considered. It could appear to be evident that alcohol groups are less influential - this could be because they are less organised due to market structure. Yet to an extent those that were in place – such as the Scottish Licensed Trade Association - were more publicly vocal than their UK counterparts. In contrast outcomes were accepted, positively welcomed by safety, police and medical groups. RoSPA and others clearly offered support for the Scottish Government – in terms of survey response, even if it was low, and also key public support for measures. This was a major shift and potentially an area where the Scottish policy could go further – in a similar way to the shifts seen in licensing in the UK.

Considering a traditional policy community approach, there is a firmer evidence for this approach in Scotland than in the wider United Kingdom – partially as the membership remained more consistent with the pre-devolution examples from the wider United Kingdom. As outlined in table 4.7. these groups took on the task of finding methods to implement the proposals put forward within the North Review, this was almost a maintenance of the evolving policy community position that had occurred since the 1960s – rather than being a radical shift it had instead followed a continued direction. The reverse of this is considering arguments made that Scotland by authors such as Hawkins and Holden (2014) that Scotland gives room for public health advocates, in this case the safety groups, to lead, rather than be left outside the community in place of the alcohol interests. That RoSPA was excluded from the stage of the Blennerhassett report in the United Kingdom's policy community yet had appeared as a lead member in Scotland seems to fit their narrative. That may have some justification, but it is also potentially simplistic – that Scotland fits a more traditional approach better than the wider United Kingdom is an indication that potential rather than be more radical, it is instead less developed.

**Table 4.7.: The policy community surrounding the North Review in Scotland compared to the Daugbjerg (1998) typology of policy communities**

<b><i>Dimension</i></b>	<b><i>Policy Communities</i></b>	<b><i>Response to the North Review in Scotland</i></b>
<b><i>Membership</i></b>	Very limited number of members. Narrow range of interests represented.	Whilst there was a wide level of group consultation, the membership was limited to medical, police and safety groups. Conscious exclusion of alcohol groups.
<b><i>Integration</i></b>	Bargaining and negotiation. Frequent interaction.	Frequent meetings with the RoSPA, alongside regular meetings with other, supportive groups. Drafts and concepts shared between groups and Government.
<b><i>Institutionalisation</i></b>	Consensus on policy principles and procedures to approach policy problems.	Clear agreement on direction of travel and the North Review recommendations as an objective.

In considering an adversarial approach, there is a clear core that surrounds the issue within the Scottish sphere, as outlined in table 4.6. there is a clear core policy community, which fits closely on the three dimensions. As for an alternative policy community it is worth considering that Keating et al. (2009) put forward three potential impacts that a devolved environment can have on policy communities. The first of these is in effect nothing, with a similar arrangement persisting in the new environment. The second sees a partial exit of groups – as they look for an arena that will best suit their interests. The final option is what is called new regionalism where policy communities emerge at this new level. Looking at the example of drink-driving we can find examples of options two and three. Organisations such as RoSPA, having failed at the UK level, are suddenly seeking influence in an environment that is much more welcoming. The policy outlook is

positive for them in Scotland and therefore they are active participants. Arguably we could look at alcohol producers in the reverse – the UK government may represent a better bet in terms of influence, whilst Scotland is limited in its impact compared to the resources required to influence policy. There is evidence of an alternative policy community the major cleavage with the United Kingdom is that it did not shift the core policy community and replace it. Whilst policy communities have been found to organise around departments, commissions and committees in Scotland there is arguable limited scope – this was a Government consultation not a Department for Transport one – there seems to be less opportunity to organise around ministries. The narrowness of the Scottish system could indicate that the value of being core is much greater than in the wider United Kingdom – there are fewer venues in the Scottish context for policy communities to form around. The climate has fewer opportunities for policy to shift from venue to venue – as there simply are not a wide enough variety of commissions or departments to build around to start off with. Whilst in the British context adversarial communities had alternative venues to at least establish themselves, this appears not to be a feature of the Scottish system.

***Table 4.8.: The policy communities surrounding the North Review in Scotland compared to the adapted Daugbjerg Typology for Adversarial Policy Communities***

<b><i>Dimension</i></b>	<b><i>Core Policy Community</i></b>	<b><i>Response to the North Review in Scotland – Core</i></b>
<b><i>Membership</i></b>	Very limited number of members. Narrow range of interests represented.	Membership limited to medical, police and safety groups.
<b><i>Integration</i></b>	Integrated into the dominant body for policy development at any specific point. Bargaining and negotiation. Frequent interaction.	Frequent meetings with the RoSPA, alongside regular meetings with other, supportive groups. Drafts and concepts shared between groups and Government.
<b><i>Institutionalism</i></b>	Consensus on policy principles and procedures	Clear agreement on direction of travel and the North Review

	to approach policy problems.	recommendations as an objective.
<b><i>Dimension</i></b>	<b><i>Alternative Policy Community</i></b>	<b><i>Response to the North Review in Scotland – Alternate</i></b>
<b><i>Membership</i></b>	Very limited number of members, mostly different to the core policy community. Narrow, alternative range of interests represented.	Combination of alcohol producer and retailer groups with other groups such as the Road Haulage Association.
<b><i>Integration</i></b>	Bargaining and negotiation – of an alternative style to the core policy community, potentially including alternative venues. Frequent interaction.	Interaction at a consultative level, some levels of interaction but with limited evidence of negotiate on specific topics.
<b><i>Institutionalism</i></b>	An alternative consensus on policy principles – with potential use of alternative procedures to approach policy problems.	Consensus that reduction of alcohol in blood limit was inappropriate but willing to negotiate in other areas.

#### 4.4. Conclusion

Whilst legislation on drink-driving had existed prior to the 1960s it was during this period that the formative relationships began with a variety of groups and policy principles that are recognisable today, were developed. What caused it to rise as an issue appears to be a combination of public interest driven by the media and ministers taking it upon themselves to drive the policy forward – a solution was demanded and groups were engaged to deliver it. Limits on alcohol in blood, testing and enforcement became actual policy. Yet this was also a policy framed in the sense of individuals taking things to far – and in the early framing especially a very narrow group who were effectively beyond the scope of acceptable behaviour. It was not a societal issue as such – one that was an individual problem

with slightly wider impacts. This framing of the issue was vitally important for the alcohol sector, and whilst it is difficult to evidence their direct role in framing it, they certainly benefitted from it. The alcohol industry also demonstrated an ability to take back influence and authority when this framing was challenged – keeping the key elements of the status quo. In Scotland, with a policy environment where access and influence for alcohol was more challenging, the key shift they were trying to avoid took place. That the economic interests of the sector were significantly affected by this, whilst there was minimal impact on the rate of offending, does indicate that there was an argument for their framing of the issue which could explain it to some extent – but their lack of ability to influence in the environment where the frame shifted does indicate they may have had a longer term significant role elsewhere.

The establishment of the policy in the 1960s seems to be most compelling understood through a traditional policy community approach – there were excluded and included groups, who negotiated and bargained around a government department that had near complete authority over the policy. When interest piqued again, the policy community's opposition to a change in the drink-drive limit, made sure that this stayed off the policy agenda. Other areas where they offered to concede – such as random testing – were unpalatable to the government so they were dropped in a two-way negotiation. Arguably by offering a relatively large policy shift, which was also requested by the safety groups, they had the flexibility to be firmly against other measures.

This was a powerful position that kept drink-driving policy relatively consistent, with some participants dropped as they no longer shared the institutional agreements – mainly RoSPA which went from being a position of considerable influence to almost none as the responses to the Blennerhassett report developed. Scotland provides an interesting case study in terms of regionalising policy issues – the differing environment and lack of major alcohol presence being factors. This was also coming to pass in a period when motoring organisations had shifted to be more in line with the safety groups – arguably the existing core policy community had shifted and whilst this led to the alternative policy community on the alcohol-



producer side taking control in the UK, in Scotland the status quo of membership was maintained.

How the policy community at first changed with the previously acceptable safety organisations dropping out, and then diverged in two directions offers an indication that a shift in ability to deliver does not necessarily deliver a consistent response. At first we have a central role for RoSPA when it was probably best framed as cooperative – as their membership moved the leadership to a different agenda they were gradually moved out of the community. The Pedestrians Association continued to disregard the policy community environment – its activism was not of a negotiated style. Then came the 1990s and the movement of motoring organisations. They became a consultee, rather than the consultee on drink-driving – and arguable found themselves outside the core policy community in the United Kingdom context. The gradual progress towards accepting a shift in the drink-driving limit led to engagement by new participants, who had previously actively sought not to participate. The alcohol industry quite suddenly had to play a major role, with the previous arms-length supporters in the driving lobby deciding to switch sides. After a period of apparent frustration in developing the policy within the existing community it shifted to an alternative, an alternative that was effectively an adversary to the initial one – although reflected the institutional ambitions of the original community when it was formed. The traditional policy community approach becomes less useful in explaining policy outcomes and relationships, as the policy developed on drink-driving.

Drink-driving demonstrates that alternative policy communities can become the core policy community, and yet in another venue, with similar arguments or relationships do not reach that core status. It showed that policy communities can potential exist within a major area of alcohol policy both with and without the participation of alcohol-producer groups. That an alternative policy community, in this context the alcohol-producer and retailer-led community, can limit its involvement by choice when outcomes working for it – yet also take control and become the core when needed adds a dimension to the adversarial approach. The alcohol-producer-led groups were accepting of a drink-driving policy environment that saw high levels of prosecution, supported random testing and public

campaigns targeting the behaviour, as long as it came with an alcohol limit that allowed some level of alcohol consumption before driving. Whilst the other groups, provided this environment and did not represent a threat to this level of alcohol consumption, there was limited competition from the alternative policy community. The only struggle was largely an internal one over random testing, which found political disfavour, despite being acceptable to both the core and the alternative communities. Once they sought to intervene in an area seen almost as essential, the alternative policy community successfully emerged as the core in the United Kingdom environment. In Scotland, the same attempt was made but without success – the alcohol limit was cut to a level below that the alcohol-producers found acceptable. Control and influence outside of Scotland seemed to be given under delegation, which could be recalled. It highlights that there may be multiple alternative communities in existence who can all find success in the right climate – with the difference between core and alternative, the adversarial relationship being more complicated than simply having different viewpoints.

## Chapter 5

### Alcohol price

#### Too high or too low? From monopolies to minimum unit pricing

*“You must have seen great changes since you were a young man,” said Winston tentatively. The old man’s pale blue eyes moved from the darts board to the bar, and from the bar to the door of the Gents ... “The beer was better,” he said finally. “And cheaper! When I was a young man, mild beer – wallop we used to call it – was fourpence a pint.”*

George Orwell (1949)

There is evidence of historic policy interventions that seek to affect the price of alcohol going back centuries (see Annex A, table A.1. for examples), indicating this has been an area that has long sustained the interest of policymakers. Outside of interventions in the First World War most prominent attempts at price control in the modern era appeared in Britain within the late 1960s and continued on into the early 1970s. This was a time when fears of inflationary pressures were rife and national pricing policies in place, therefore balancing of the price of beer at a point that was considered reasonable, stable and affordable for the masses was considered vital. This is in direct contrast to the focus in the 2010s on what was perceived as a dangerously low alcohol price (see Plant and Plant (2006) and Gilmore (2015)) – instead the Department of Economic Affairs (1965) focused on consumer detriment through excessive price increases and abuse of the breweries’ power over publicans. The journey between these two positions on price allows for consideration of the policy community approach when government and external pressures were effectively at two ends of a scale.

Price is an area where the economic interests of the alcohol sector should be most relevant. Whilst licensing gives access, price is an area where the most dedicated interest has existed from the alcohol sector and an area with the most regularity of change through Budget statements on taxation. Therefore, it should be an area where there is clear evidence that the industry, if it is dominant, has a clear line of influence on the process. The twin complexities of an earlier focus on price limitation, then followed by a latter focus, with a specific Scottish element, of minimum unit pricing, with various tax changes also playing a key role. It will also

test whether the role of groups in general within this area is as of much significance as an assumption of dominance would indicate. Could other participants – specialist government departments such as the Central Policy Review Staff, the Treasury itself or wider economic concerns overtake a policy community environment? The chapter will also consider the increasing attempts for influence being sought by the public health interests – and whether their influence can be felt, or indeed if they could be a distinct alternative policy community.

In delving into the case study surrounding price the first section will consider are the interactions in the 1960s during the period of the first Wilson government that surrounded investigations by the National Board for Prices and Incomes and the Monopolies Commission. This is when pressure to contain price rises was most prominent and the challenge was whether prices had effectively risen to an inappropriate level. This also reflected apparent departmental differences between the Department of Economic Affairs and the Ministry for Agriculture, Food and Fisheries. Considering the approaches and positioning from both of these departments their policy communities and whether a traditional or adversarial approach offers a clearer explanation of developments. The second section will look to the late 1970s and early 1980s when following a report by the Central Policy Review Staff consideration on price and taxation became issues where health concerns played a new, more significant role. It will again consider how departments, and their associate policy communities, that had historical control over these areas reacted to this attempt to shift both policy and authority.

The third section will look at the later years of the New Labour Government and the development of the Alcohol Duty Escalator, alongside the research commissioned by the Department of Health from the University of Sheffield that led to the Chief Medical Officer calling for a Minimum Unit Price for alcohol. It will also consider how this concept became Government policy under the coalition, then was dropped alongside the Alcohol Duty Escalator with the first cuts in alcohol duty made for decades. The final section will look at Scotland's Minimum Unit Pricing proposal, how it has challenged and influenced the development of policy communities in the devolved region, alongside the impact of policy failure

when delivery became a prolonged legal battle – and the impacts this also had on progressing alcohol policy forward.

### **5.1. Brewers' monopolies and pricing for increased profit**

There are historical examples of the price of alcohol of being of notable concern to the population as far back as the maximum cap on the price of ale within the Assize of Bread and Ale 1266 (see Annex A, table A.1.). As Yeomans (2019, p. 7) argued 'for many centuries these interventions were designed to support public consumption, in stark contrast to contemporary proposals, by creating maximum prices for some alcoholic drinks.' The last notable attempt of this style of intervention was in the 1960s under the first Wilson Government when the Department of Economic Affairs began to take an interest in the price of alcohol. This section will outline the way they focused their concerns on what was termed as profiteering by the brewers, with attached tenant and consumer detriment. The combined tenant and consumer detriment, as outlined in the Department of Economic Affairs (1965) background note reflected the concerns found through the route of sale - the majority of alcohol in Britain was sold via public houses, which for the most part were run by tenants with ownership and supply under the control of a few large breweries – price control was out of the hands of the end retailer.

The first part of this section will look at the background to interest in this issue following the launch of the Department of Economic Affairs and the National Board for Prices and Incomes. It will also consider the clash of policy communities between the Department of Economic Affairs compared to the established Ministry of Agriculture, Food and Fisheries network. It will then consider the rising public and political concern exhibited at rising beer prices, plus the challenge of investigating these changes at arm's length, with a network a step away. The final section will consider the reaction to this both from the Department of Economic Affairs and its successor departments following the change of government – considering what effect this had on networks and how networks played their part. The formation of the Department of Economic Affairs, under George Brown then the Labour Deputy Leader and First Secretary of State, represented a new challenge for interests within alcohol. Alongside the National Prices and Incomes

Board a new pressure was exerted on various production interest groups, with beer considered a key commodity where inflationary pressure was to be resisted. This represented a different challenge from relationships with Home Office or HM Treasury, alongside headline production concerns with the Ministry of Agriculture, Fisheries and Food. The lack of formed or established policy communities represented a challenge with no status quo and objectives that had not yet been fully formed. At this point there was comparatively little variance in price between establishments belonging to the same brewery (Department of Economic Affairs, 1965) – and with the clear majority of public houses owned by a few major breweries there was clearly a considerable level of influence that could be exerted by these organisations on the final price paid by consumers.

The Labour government had come into power promising, ‘not to dictate prices, wages and salaries - but to give, in selected cases, the opportunity for objective consideration of claims before either prices are fixed or collective bargains struck’, (Labour Party, 1966). This promise was realised with the establishment of the Department of Economic Affairs, alongside the powerful National Board for Prices and Incomes, had created almost a new framework or terms of policy debate – price was a policy concern at a national political level. In a wider context this was part of the scheme that sought to manage inflation as part of government policy. At the beginning a semi-formal establishment of what had close similarity to a traditional policy community was evident with alcohol-producer groups, with a primary role for the Brewers’ Society and a community centred around alcohol producers, called in to effectively represent the industry in a negotiated framework and also act as a delivery agent of government policy. The initial meetings, which were led by the Ministry of Agriculture, Food and Fisheries, stressed the requirements of the government that price rises were restricted – with a freeze the preferred outcome. Meetings took place in January 1965 (Department of Economic Affairs, 1965) between representatives of the Department of Economic Affairs and the Brewers’ Society, alongside some unspecified others, to discuss the issue of price. The Brewers’ Society offered assurance that, ‘they would do their utmost to absorb cost increases without putting up prices’, (Department of Economic Affairs, 1965, p. 1). This was caveated that occasional changes would be likely with changing commodity costs and

occasional new decisions on strength. It was also widely understood that duty changes, whilst attempts would be made to absorb some of the costs, would likely end being partially reflected on the final cost. The expectation was that the policy community, which at this point had the Brewers' Society as its most influential member, could and would deliver action by its membership in terms of price control.

Whilst there was a clear commitment for price control within the policy community, there were some indications that this commitment may not have been fully honoured. Letters began to appear in MPs and departmental mailboxes from members of the public concerned by price increases at their local public house (Burton, November 1965; Laws, 10 November 1965, 30 November 1965). The Brewers' Society may not have been able to deliver its members as promised. Early letters from individuals such as Tom Driberg MP, who at the time was still a member of the Labour Party National Executive Committee and former party chairman, expressed their concern. In a letter to George Brown he enclosed two further letters from brewers noting cost changes and encouraging retail price rises. He stated that, 'I hope that you can intervene to protect the interests of the drinking public,' (Driberg, 20 March 1965). The evidence seemed to illustrate a brewer encouraging publicans to increase their margin on a product beyond the proportional increase in cost price – in effect to increase their profit margins. This also hit a departmental priority clash – despite the Department of Economic Affairs leading on pricing, it came under the Ministry of Agriculture, Food and Fisheries. Tom Driberg MP kept up his campaigning on this issue, raising further questions in Parliament. His question, which called on the Ministry to, 'draw the attention of the appropriate trade organisations to Government policy in this regard', (HC Deb, 1964-1965a). Responding Fred Peart, latterly Lord Peart, stated that, '[I] am sure that all responsible members of the trade concerned will wish to honour these assurances, but I am keeping a close watch on the position.' This was not enough for Driberg – he followed up with, 'Has my Right Hon. Friend looked into the particular cases and the circulars which were sent to him in which Messrs. Courage and another firm claimed deliberately to have taken advantage of wholesale and retail increases to increase also the profit margin? Is this not a clear sign that they are not keeping their promises to my Right Hon. Friend?' The answer to this

reconfirmed the previous position but offered some indication that this was an issue that was getting increasing political attention outside of the network environment. Parliamentary pressure continued to rise, with a direct question from Emrys Hughes MP in June 1965 whether, 'in view of recent high beer production, he will ask the National Board for Prices and Incomes to investigate the income of the brewers', (HC Deb, 1964-1965b). The request was denied, but it was noted that this was an area of concern. Pressure further built when the Amalgamated Engineering Union's (AEU) Birmingham branch called for an investigation, with the Daily Mirror ("Beer up 2d - Probe demanded," 1965) and Daily Express (Express Staff Reporter, 1965) covering the forwarding of this concern to the Trades Union Congress for a reference to the National Prices and Incomes Board. Their parliamentary constituents were sending letters to Ministers and local concerns were being raised with them directly. Department officials from the Department of Economic Affairs sought increasing guidance from the Ministry of Agriculture, Food and Fisheries, sending over complaints for investigation. These communications noted that, 'the increases are said to be in some cases of a substantial nature', (Laws, 10 November 1965) and were becoming increasingly frequent. Latter communications indicated they would be, 'grateful for your advice on how to reply', (Laws, 30 November 1965) and also highlighting the breweries where complaints had been made.

Whilst letters were coming into the Ministry of Agriculture, Food and Fisheries from MPs and fellow government departments, they in turn were writing out to breweries and their representatives (Burton, November 1965). There was also confirmation that thanks to the establishment of the new 'early warning system' for price increases, situations like this with the government comparatively blindsided should be avoided. They also, to an extent, defended the negotiations between government and the alcohol-producer groups noting that, 'at the meeting they did make clear that there was a possibility that the pressure of cost increases would lead to a rise in prices of some brews from time to time'. The potential for action, which being a request for referral to the National Board for Prices and Incomes, was effectively discouraged. A clear final statement that, 'In general of course there is still plenty of competition in this business and it is normally possible for a dissatisfied customer to switch somewhere else,' (Department of



Economic Affairs, 1965). Alongside requesting formal research and guidance from the Ministry of Agriculture, Food and Fisheries the Department of Economic Affairs was also meeting with industry participants on its own. In a meeting with Allied Breweries it was indicated that a more general price rise would have happened without the government's pricing policy (Cairns, 10 November 1965) and that, 'it is certainly true that while a few grades of beer here and there have been advanced in price, there has been no general movement'.

It would appear that despite increasing concern in the Department of Economic Affairs a combination of pressure on the workload of the National Board for Prices and Incomes and the position against a full referral from the Ministry of Agriculture, Food and Fisheries effectively limited a referral on the price of beer. Yet, another participant had an interest with the President of the Board of Trade taking a different route. This was for the consideration of the referral of the 'Tied House System' whereby tenants paid both a rent and were fully supplied by a brewery for their public house, without the ability to buy products from other sources. This referral was supported as a starting point by the Department of Economic Affairs, and to an extent was more difficult for the Ministry of Agriculture, Food and Fisheries to challenge. It began its work and eventually reported back calling for major changes, with the President of the Board of Trade, Tony Crossland, stating in his introduction of the final report to Parliament, 'The retail trade is generally more uncompetitive than it would be in any event under current licensing conditions and, in particular, price competition is practically absent as between public houses. The Commission found few positive advantages that appeared to flow from the tied house system to offset these disadvantages, and therefore concluded that the monopoly conditions operate, and may be expected to operate, against the public interest,' (HC Deb, 1969-1970).

Eventually there was referral of limited scope to the National Board for Prices and Incomes, following increases in excise duties at the Budget and rumours of brewers taking advantage of this to increase profit margins once again. This seemed to cause more embarrassment than success for the government when it became evident that the 'Carlisle experiment' of government owned public houses (which had been in place since the First World War) had raised their prices, due to

cost increases. The impact of this report was also somewhat limited by the abolition of the National Board for Prices and Incomes shortly after its publication – with no notable referral to its recommendations coming at all from the new government. Whilst the National Board on Prices and Incomes found some issues and concerns regarding industry structure (National Board for Prices and Incomes, 1969), the Monopolies Commission recommended significant action in terms of the vertically integrated tied-house system. It also recommended licensing reforms that would increase competition and improve the market environment. These recommendations came at the same time as a change of government and the reorganisation of departments that realigned policy networks back to their previous structures where alcohol-producer groups were more comfortable. Unsurprisingly very little happened on this until the Beer Orders of the late 1980s (following another Monopolies Commission investigation), further indication that the restrictive second face of power (Bachrach and Baratz, 1962) played a role in limiting what issues could actually appear as areas of policy development.

Despite clearly not desiring or believing it necessary, alcohol-producers did seem to cut prices, or at least give the illusion of cutting prices to the public ("Cheaper wine," 1967; "Firm cuts drink prices," 1967; "Sherry prices cut," 1967) whilst equally in some cases privately increasing them to retailers (Richards, 1970), and encouraging them to increase their prices also. The Department of Economic Affairs noted this and sought further evidence, but the file was closed. A new government had new issues of concern, with a focus away from the methods of price influence and so the Department itself was abolished.

**Table 5.1.: The policy community surrounding the complaints of brewery profiteering compared to the Daugbjerg (1998) typology of policy communities**

<b><i>Dimension</i></b>	<b><i>Policy Communities</i></b>	<b>1965-1970 Alcohol and Economic Affairs</b>	<b>1965-1970 Alcohol and the MAFF</b>
<b><i>Membership</i></b>	Very limited number of members. Narrow range of interests represented.	Newly interested Government department, some alcohol-producer groups.	Long term relationships with alcohol-producer groups. Major participants, such as the Brewers' Society and the largest brewers at the core of the membership.
<b><i>Integration</i></b>	Bargaining and negotiation. Frequent interaction.	Limited, casual. No direct organisation beyond letters – no set or regular meetings.	Organised interaction with high level of policy issues discussed. Close relationships.
<b><i>Institutionalisation</i></b>	Consensus on policy principles and procedures to approach policy problems.	Format of Department, alongside relationship with National Board for Prices and Incomes and the Monopolies Commission made institutionalisation difficult –	Whilst not formally organised, confidence to act and refer. Establishment of “early warning system” with brewers on beer

	dependent on other departments.	price changes indicative of closer links.
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When considering a traditional policy community approach there are two potential communities that could explain the policy arguments in this period, both of which are considered in table 5.1. When considering the dimensions of the traditional policy community, the approach has seemingly large gaps, with clear clashes. By this it is a question of whether a traditional community surrounding the Department of Economic Affairs was effectively developing policy or was in fact an outsider to this development. There was no regularisation of meetings, the close relationships found in a traditional policy community almost replaced by elements of confrontation. The National Board for Prices and Incomes and the Monopolies Commission also had apparent influence – institutionalisation may have been difficult. By comparison, using the same approach, in considering whether a community that surrounded the MAFF finds adequate criteria within the dimensions to indicate that a traditional policy community was in existence. There were close relationships in a regularised format, there was a clear institutionalisation of this relationship and acceptance of the terms of debate. Yet whilst this fits quite neatly with the approach, it does not necessarily offer explanation – actions were taken that were not within the negotiation proxy of the MAFF conversations. The criteria may have been right, yet the outcome and development of the policy do not follow the traditional approach. In the end the focus reset with the better fitting explanation retained, there was notable instability and challenge that would not be expected in the traditional approach.

***Table 5.2.: The policy communities surrounding the complaints of brewery profiteering compared to the adapted Daugbjerg typology for adversarial policy communities***

<b><i>Dimension</i></b>	<b><i>Core Policy Community</i></b>	<b>1965-1970 Alcohol and the MAFF</b>
<b><i>Membership</i></b>	Very limited number of members. Narrow range of interests represented.	Long-term relationships with alcohol-producer groups. Major participants, such as the

		Brewers' Society and the largest brewers at the core of the membership.
<b>Integration</b>	Integrated into the dominant body for policy development at any specific point. Bargaining and negotiation. Frequent interaction.	Organised interaction with high level of policy issues discussed. Close relationships.
<b>Institutionalism</b>	Consensus on policy principles and procedures to approach policy problems.	Whilst not formally organised, confidence to act and refer. Establishment of "early warning system" with brewers on beer price changes indicative of closer links.
<b>Dimension</b>	<b>Alternative Policy Community</b>	<b>1965-1970 Alcohol and Economic Affairs</b>
<b>Membership</b>	Very limited number of members, mostly different to the core policy community. Narrow, alternative range of interests represented.	Newly interested Government department, some alcohol-producer groups. Views clearly differing from established core community.
<b>Integration</b>	Bargaining and negotiation – of an alternative style to the core policy community, potentially including alternative venues. Frequent interaction.	Limited, casual. No direct organisation beyond letters – no set or regular meetings. Differing methods of communication and development from the core community – less established.
<b>Institutionalism</b>	An alternative consensus on policy principles – with potential use of	Format of Department, alongside relationship with National Board for Prices and Incomes and the Monopolies

alternative procedures to approach policy problems.	Commission made institutionalisation difficult – dependent on other departments but potential for development.
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If we consider an adversarial approach, then these two competing departments can be considered as a core and an alternate. The core community that was mainly filled by alcohol-producer groups temporarily lost influence as what was previously regarded as settled elements of policy were challenged. Effectively unable to share these new policy objectives an alternative community began to form and seek authority – moving authority for this issue away from the core policy community. In effect this development of a new political pressure went against the core community interests, with public interest piqued, political opinion was being pushed towards the need for action – therefore to this alternative policy community that had a shared acceptance for these policy outcomes. This new alternative community, as indicated in table 5.2., surrounding the Department of Economic Affairs was still effectively in its formative stages without the clear institutionalism of the core community. The concern of government regarding the price of beer as both a consideration for inflationary control and its position almost as a worker's reward disrupted the core policy community temporarily but the lack of institutionalism and integration for the alternate meant that its challenge to the core community was unsuccessful. The victory for the core community was not clear-cut - the inquiry into the 'tied-house' relationship was the first of many battles on this issue and potentially could have been very disruptive to alcohol interests if the new government had not reset the departmental structure, eliminating the venue for the alternative community. As the core community took control again this potential for more radical change was lost and in effect the status quo returned. The core community successfully moved the argument from one over ownership, monopoly and price towards licensing reform – in turn providing more challenges as indicated in Chapter 3 but at this point no radical shift to the established structure. When introducing the report under the Labour government Tony Crossland said, 'It therefore recommended that, by way of remedy for the defects which it found in the tied house system in

the United Kingdom, the licensing system in England and Wales should be substantially relaxed (with the situations in Scotland and Northern Ireland being reviewed separately by the authorities concerned), the general objective being to permit the sale of alcoholic drinks, for consumption on or off the premises, by any retailer whose character and premises satisfied certain minimum standards.' (HC Deb, 1969-1970). The situation, under the new Conservative government, was summarised quite neatly in a parliamentary question when John Hall MP said, 'Does my Hon. Friend agree that to make worth-while changes in the tied-house system will require beforehand a very comprehensive review of the licensing system? Is he prepared to undertake that extremely difficult task?' (HC Deb, 1970-1971). The response from the Minister for Employment, Paul Bryan MP, was indicative of the slowdown in pace, plus the movement between networks – 'I think that what my Hon. Friend is saying is that apart from the economic aspects of the matter there is a very big social aspect as well. In this connection, clearly, the Home Office will have to have quite a large inquiry before we come to a final decision.'

## **5.2. Price and policy – departments in conflict**

The next section will consider in more detail the report of Central Policy Review Staff (1979) that considered potential government actions across all areas of policy that was intended to limit the negative impacts of alcohol. For the purposes of this section, amongst these areas of focus was the potential impact of using taxation as a tool in increasing the price of alcohol - as a policy device intended to improve health, rather than an economic or moral measure for the first time. This was entirely new and brought in health rather than moral or economic concerns into pricing for the first time. Given that policy communities had focused around departments with either these moral or economic objectives it is understandable that this led to a new level of conflict – as issues that had a settled home in a departmental policy community were suddenly conflated with a considerable cross over with new participants. With new cross-departmental advice the opportunity for a shift in policy stance was considerable and the expansion of the evidence base on which policy decisions were made notable. This section will consider the various reactions to the Central Policy Review Staff recommendations that sought to increase alcohol duties and therefore seeking to raise the price of

alcohol. It will look at how policy communities formed with different purposes, around different objectives, reacted, sought influence and attempted to push forward or resist this suggestion using their influence.

The report from the Central Policy Review Staff, as the previous chapter demonstrated, caused a significant amount of political challenges thanks to its leaking and recommendations for actions at a scale not seen since the peak of the temperance movement. On pricing, its recommendation related to an area where government already exerted considerable authority – excise duties. Central to the review was the section on, ‘Taxation,’ (Central Policy Review Staff, 1979) which noted the real terms fall in price of alcohol over a sustained period. It is also worth reflecting that an earlier note by the Central Policy Reviews Staff referred to section entitled, ‘The price of drink,’ (Central Policy Review Staff, 1978), which made similar commentary regarding the impact of taxation. When it came to their conclusions it was notable that there was a clear message that governance of this issue had not led to desirable outcomes, ‘Since the war Governments have contributed to increased consumption by allowing a substantial fall in the real value of alcohol duties, especially as compared to real incomes,’ (Central Policy Review Staff, 1979, p. 91) and that this current status quo was seen as unacceptable, ‘The criteria for determining duty levels should be changed to reflect the Government’s stance on total consumption levels.’ They recommended that this new criteria should adopt three major features, firstly the key feature that, ‘As a minimum requirement, the Government should adopt a policy of linking increases in alcohol duties to the Retail Price Index,’ (Central Policy Review Staff, 1979, p. 91). More broadly they recommended that, ‘The Government should adopt two further working criteria on which to move forward from the minimum requirement. First, that its stance on the total consumption of alcohol should be given increasing weight in determining duty levels. Second, that insofar as this does not happen duty levels should normally reflect increases in real incomes,’ (Central Policy Review Staff, 1979, p. 91).

Whilst conflict regarding the report’s publication is outlined in the previous chapter, the advocacy from the Department for Health and Social Services and its policy community of medical interests for a health focused excise duty policy is



worth further consideration. The Department for Health and Social Services sought to press their apparent advantage in a letter to the Chancellor addressing the potential to limit alcohol consumption through increased taxation. In the letter the Secretary stated, 'A good start could be made now by action to raise the level of taxation and discourage consumption,' (Jenkin, 29 May 1979). The letter's annexes went considerably further noting, 'The British Medical Journal of 10 February 1979 concludes that a steep rise in the price of drink would be the single most certain means of lessening the damage caused by alcohol.' It was also indicated that this wider piece had been made available to the Treasury by the health team. This was immediately followed with a public attempt to exert influence in a speech on alcohol abuse from the Secretary of State who noted that, 'The continued freedom of the vast majority to enjoy the social pleasures of alcohol must go hand in hand with our determination to help and encourage the minority to come to terms with and surmount their problems,' (Department of Health and Social Services, 30 May 1979). The original draft of the speech cited the CPRS report but this was removed following a request from the Cabinet Office, who oversaw CPRS, given the report was still classed as confidential. Yet in the press release of the speech the reference remained, the Cabinet Office was not impressed, 'I have asked DHSS not to issue further copies but the damage is done,' (Johns, 1 June 1979). As the previous chapter stated the report was never formally published but leaked out via a Swedish journal, which led to increasing parliamentary pressure. The Department of Health and Social Services also began preparing a cross-departmental paper that would seek to be a 'Consultative Document on Prevention of Alcohol Misuse', (Pearson, 14 June 1979). Within this document was Chapter 7 that considered potential options on alcohol duties such as 'maintaining alcohol price relative to incomes', and 'reducing consumption'. It also had a proposed section on 'taxation to serve social ends'.

This is indicative that the policy community surrounding the Department of Health and Social Services, made up of its combination of medical professional organisations and health groups, had overreached in both their attempts to push the Treasury and to redesign the policy framework of other departments. It appears to be an example of an adversarial policy community attempting to seek influence and dominance – but failing in that fight – offering an indication that

domination of a policy area by one policy community does not necessarily mean it is the traditional approach that applies – instead it could have the necessary influence to suppress alternatives. Correspondence offers an indication of this dissatisfaction at the health policy community attempts. The Department of Trade, of which Scotch Whisky as Scotland's 'top exporting sector until the early 1980s' (Nicol, 2009, p. 8) stated that, 'We simply cannot afford to damage the prospects of a successful exporting industry in this way and this must call into question the acceptability of tackling the problem of alcohol abuse by sweeping across-the-board measures rather than by action aimed at those individuals and circumstances directly concerned,' (Allpress, 16 June 1979). H.M. Customs and Excise challenged the language of this proposed consultation, 'We consider the presentation of some of the alcohol tax options is unnecessarily prejudicial,' (Howard, 20 June 1979). These disagreements were increased by more considerable interventions from the Treasury and the Ministry of Agriculture, Food and Fisheries, to which the previous section demonstrated its own community engagement with alcohol-producer groups. The Treasury requested a completely rewritten paragraph on taxation, with their new paragraph which included the line, 'Setting alcohol duties primarily to serve health and social, rather than fiscal, ends would reduce their value to the Government as flexible instruments of macro-economic policy and could pre-empt the scope for increasing the level of other indirect taxes,' (H. Griffiths, to Pearson, M. A. J., 20 June 1979). It also went further requesting commentary on the risk to the UK balance of payments and to jobs of any policy that focused on health and social concerns primarily. The Ministry of Agriculture, Food and Fisheries officials responding were equally challenging refusing to acknowledge the proposals as an agreed consultation (W. E. Mason, to Pearson, M. A. J. , 20 June 1979). The response also highlighted that, 'this does raise a question of principle for a new Administration which has been elected on a mandate of reduced Government intervention and increased responsibility for the individual.' In a follow up letter, several further criticisms were highlighted and an indication that this would not be accepted as a consultative document by the Ministry given the current drafting (W. E. Mason, to Budd, J., 28 June 1979).

Meetings were set in place across departments with numerous amends accepted to the majority of the consultative paper (Central Policy Review Staff, 22 June 1979). Despite this broad agreement of the DHSS paper a separate meeting would be held on the taxation chapter, with a caveat that, 'MAFF, Treasury, and Customs and Excise would be described as being closely involved in preparation of the important Chapter on Alcohol and Taxation.' The indications of conflict across departments were considered of significant concern by the Cabinet Office with the civil servants involved stating, 'I am not sure whether the other Departments will be content for the DHSS to rake the lead,' (Merrill, 10 July 1979). The solution from their point of view was to publish the CPRS report and delay the consultative paper – recognising the CPRS report had originated from one of their team. This was not pushed forward when it became apparent Ministers did not want the CPRS report published. With this option rejected the increasingly contentious status of the Department of Health and Social Service's proposed consultative paper required considerably greater cross-government coordination if it was to progress. The separate meeting on the contentious chapter was put back, following another speech by a DHSS Minister, this time Sir George Young, who managed to include mentions of alcohol price in a public speech on alcohol misuse (Pearson, 12 July 1979). The meeting was put back to the end of the month – when amusingly another letter was sent to the Treasury (Pearson, 27 July 1979) which outlined that the delegation they may run into from 'Save Alcoholism Services in South East London' which included a peer, MPs and interest groups who were there on an entirely coincidental, unrelated basis.

The debate would come to a head at a meeting of the H Committee of the Cabinet, chaired by the Home Secretary. Ahead of this, a new participant department sought to directly engage the Chair – the Department of Industry – specifically its Secretary of State Keith Joseph. This engagement supported some of the general points made in both the CPRS report and the consultative document whilst noting, 'the possible scope for increasing revenue by higher taxes on alcohol, particularly wine and spirits', (Joseph, 31 July 1979). The briefing for the H Committee (Harrop, 1979) indicated that there was potential scope to publish the CPRS report and have the consultative document published. It did indicate that this was dependent on views expressed at the meeting – with the Ministerial attendees taken from the

Home Office, Transport, Trade, Treasury, Employment, Agriculture and Health. Minutes of this meeting are unavailable but, in the end, a much more limited paper was published outlining the Government's thinking on alcohol policy, which reflected the least controversial elements of both the CPRS report and the draft consultative document. The Treasury also formally put an end to any debate on how excise duty would be considered when the Chief Secretary to the Treasury John Biffen made clear, over a year after the first attempt at changing the policy framework stated, 'I must make it clear that the question of taxation of alcohol remains a matter for the Chancellor and his Budget judgement, and this position must be reserved in discussion of the social and other issues involved,' (Biffen, 12 December 1980).

**Table 5.3. The policy community surrounding consideration of taxation as a health tool compared to the Daugbjerg (1998) typology of policy communities**

<b>Dimension</b>	<b>Policy Communities 1979-1980</b>	<b>Taxation as a health tool</b>
<b>Membership</b>	Very limited number of members. Narrow range of interests represented.	Apparent series of different memberships of communities surrounding Government departments. Within each, membership was narrow with dominant, but different, interests.
<b>Integration</b>	Bargaining and negotiation. Frequent interaction.	Evidence of close relationship on the health policy communities. Less evidence of integration between other communities, though actions indicative of high levels of group involvement within the respective communities.
<b>Institutionalisation</b>	Consensus on policy principles and procedures to approach policy problems.	Each community was very much ingrained within their department, which explains some of the clashing of interests.

New evidence of policy impact on an area previously outside of the scope of one policy community, and the reverse scenario, caused a significant tactical battle between departments. The speeches by DHSS that accidentally had inappropriate references are worthy of consideration, alongside accidental delegations of an attempt to build pressure – alongside awkward parliamentary questions. Attempting to explain this by using the traditional policy community approach is challenging. It is clear who had the initial power, and where it was established. Within the traditional approach policy communities evolve with their membership changing or their members interests changing – table 5.3. highlights how the membership seems to work with the Daugbjerg typology yet there are multiple membership sets all interested in the same policy arena. In this circumstance groups seeking influence played by the rules of the game, but almost had a different playing board in an alternative department – as indicated in the institutionalisation dimension within table 5.3. In effect – the approach dimensions are met, but by too many examples – therefore making the approach impractical in understanding the policy development in this time period.

***Table 5.4.: The policy communities surrounding consideration of taxation as a health tool compared to the adapted Daugbjerg typology for adversarial policy communities***

<b><i>Dimension</i></b>	<b><i>Core Policy Community</i></b>	<b><i>Alcohol-producer-based policy community surrounding MAFF and HM Treasury</i></b>
<b><i>Membership</i></b>	Very limited number of members. Narrow range of interests represented.	Membership very exclusive to alcohol-producers and retailers.
<b><i>Integration</i></b>	Integrated into the dominant body for policy development at any specific point. Bargaining and negotiation. Frequent interaction.	Integrated within the MAFF and HM Treasury systems. Negotiation, yet department civil servants in a greater position of strength than normal expectation.

<b><i>Institutionalism</i></b>	Consensus on policy principles and procedures to approach policy problems.	General agreement on principles (negotiated economic settlement). Clear agreement that procedures should only involve the group participants and their framing of the policy issues.
<b><i>Dimension</i></b>	<i>Alternative Policy Community</i>	Medical groups based policy community surrounding DHSS
<b><i>Membership</i></b>	Very limited number of members, mostly different to the core policy community. Narrow, alternative range of interests represented.	Narrow health and medical membership. Interests clash with the core community.
<b><i>Integration</i></b>	Bargaining and negotiation – of an alternative style to the core policy community, potentially including alternative venues. Frequent interaction.	Evidence of close relationships within the health policy community, surrounding the DHSS.
<b><i>Institutionalism</i></b>	An alternative consensus on policy principles – with potential use of alternative procedures to approach policy problems.	Very much ingrained within their department and completely different framing of the issue, and purpose, of alcohol taxation.

Considering the adversarial approach, a more compelling argument can be made to understand the policy development process. When considering the community that surrounded both MAFF and HM Treasury, which had alcohol interests within its membership as the core community and the DHSS community as being the alternate an easier understanding of the developments can be found. Table 5.4. outlines these factors and the considerably different framing of the alcohol taxation issue which was in effect the challenge. That policy principles were

entirely different is at the core of the conflict – these are closely aligned with the adapted typology. It also provides an example of an alternate challenging and losing - which control remained in departments with the established policy community, with interests divergent from DHSS proved central in considering the outcome. The arena of the conflict was one in which alcohol-producer interests were more closely engaged and they had an established, strong policy community in the department that sought to represent their interests across government. This status quo of comparative influence and engagement would remain established for many years to come.

### **5.3. From tax rises to Minimum Unit Pricing to a penny off a pint**

The economic crisis that began in 2007, proved to be challenging for alcohol-producer interest groups with pressure on taxes and lower cost policies. As the period began the Labour Government sought to use the negative media attention on alcohol to its financial advantage with a significant increase in alcohol duties that the Exchequer Secretary Angela Eagle MP described as ‘the intention of the increase in alcohol duty announced at Budget was to raise revenue, not to tackle problem drinking’, (HC Deb, 2007-2008), whilst also resisting the temptation to use this attention as an opportune moment to implement more dramatic alcohol interventions following its licensing changes. This section will consider the impact of the Labour government’s decision and how one policy had differing justifications from government departments, alongside their interests. It will also explore the influence of the Chief Medical Officer in pushing government policy – effectively using their status as an apparently independent expert to push policy interests in areas where previously influence could not be exerted without careful policy development and collaboration with existing policy communities. The new coalition government then sought to review alcohol duty from the ground up, which opened up dividing lines in alcohol policy that had previously not been apparent. It also created new relationships that were positive and useful for alcohol-producers – a double-edged sword of being given opportunities for new areas of policy interest, whilst limiting the previous dominant position over existing policy areas. At the same time, the profile of the alcohol issue, with heavy media and political attention led to a major shift on pricing policy. The journey where a coalition government went to the development of what would generally

be considered a timid minimum unit price to a Prime Ministerial-influenced full blown price intervention, to retreat and then to actively cutting the price of certain alcoholic drinks with the Chancellor raised as a champion of pubs.

The framing of the considerable liberalisation of licensing under the New Labour government would seem to be indicative of opposition to firm market interventions such as price controls. In the post-Blair environment there was the potential to change this as part of Gordon Brown's attempted redirection of the Labour party and government policy. The first Budget under the Brown premiership caused a decisive shift in policy on alcohol. A new policy was introduced known as the alcohol duty escalator – which over a sustained period would increase the duty on alcohol at a rate above inflation. This began with an increase at six per cent above RPI immediately and two per cent above RPI for the next four years. In his speech Alistair Darling justified this on the basis of affordability, 'Mr Deputy Speaker, as incomes have risen, alcohol has become more affordable. In 1997, the average bottle of wine bought in a supermarket was £4.45 in today's prices. If you go into a supermarket today, the average bottle of wine will cost about £4,' (Darling, 2008). Alistair Darling's decision to implement the alcohol duty escalator in his first budget came as a surprise to alcohol-producer groups. Robert Hayward, then the Chief Executive of the British Beer & Pub Association said, 'Government is punishing all beer drinkers rather than tackling the minority of drunken hooligans. But Government tax policy is fuelling Britain's binge drink problem by driving people away from beer, out of the pub into the arms of the deep discounting supermarkets,' (British Beer & Pub Association, 2008). Gavin Hewitt of the Scotch Whisky Association said, 'Scottish distillers are astonished by the chancellor's announcement. A tax rise is a blow to international competitiveness when the industry has been investing significantly to meet growing global demand for Scotch Whisky,' (BBC News, 2008). It also led to a situation where the Public Health Minister, Dawn Primarolo claimed that, 'Our estimates suggest that higher taxes, if they do feed through to price, will mainly affect the 7 per cent of the population who drink one third of all alcohol consumed in Great Britain. And that, in England alone, the total number of lives saved up to the end of March 2013 – when Budget 2012, the last Budget with a 2% above inflation increase has taken effect – will save 3,250 lives by the Department's



calculations,' (Institute of Alcohol Studies, 2008). Countering this argument for the duty increases, the response to this from the Treasury was clear – this was not a policy based on health grounds, instead purely on revenue raising and they were not seeking this hypothecation (HC Deb, 2007-2008).

In the Chancellor's pre-Budget report of the same year the decision was made to temporarily reduce Value Added Tax from 17.5 per cent to 15 per cent as a method to stimulate the economy. There was also the counterbalance added in that as alcohol should not benefit from this there would be an increase of 8 per cent in alcohol duties, which unlike the VAT decrease would be permanent. This led to a situation where regionalised interest played a significant role. Whilst for beer, ciders and wines there was a broad interest across the nation, for spirits primarily through Scotch whisky there was a niche interest with a very specific focus. This advantage was used to full effect with the Chancellor backtracking and increasing the duties by four per cent for spirits, allegedly on the grounds of the different sales patterns, but the importance of this regional interest played a much more significant role – 'and with very little revenue benefit, Chancellor Alistair Darling has realised there is far too much political pain in this. The whisky lobby is a formidable one, and Labour's opponents are quick to back it', (Fraser, 2008). This was also an indication that alcohol-producer groups were actively sectioning off to protect their own product interests.

Following the liberalisation of the licensing laws, as discussed in an earlier chapter, a considerable amount of media and political pressure was brought to bear on the Government in terms of alcohol policy. There was increasing media narrative regarding the potential options for intervention and accounts of very low-priced alcohol. In response to this the Department of Health commissioned what was intended to be a comprehensive review of the evidence into alcohol pricing and promotions. This was commissioned with the University of Sheffield's already active Alcohol Research Group that had by combining the results of several studies developed the 'Sheffield Alcohol Policy Model'. This model was designed to be able to assess the impact of changing a variable within alcohol policy in terms of wider harm. The report produced (Brennan et al., 2008) outlined modelled impacts of interventions based on a theoretical approach that produced results in terms of

financial and lives saved through fiscal intervention at a much greater level than previous studies. Similarly to the earlier statements by Dawn Primarolo this model sought to put exact numbers of lives saved in relation to the increased price of alcohol.

This political will to take forward this evidence was put to an early test by the publication of the Chief Medical Officer's Annual Report that called for a minimum unit price for alcohol. The report stated that, 'As an immediate priority, the government should introduce minimum pricing per unit as a means of reducing the consumption of alcohol and its associated problems. Consideration should be given to setting the minimum price per unit at 50 pence,' (Donaldson, 2009, p. 23). This report had further detail calling for a two-tier MUP with a higher rate for pubs and bars, whilst also highlighting other interventions that it was believed would make a difference in managing alcohol-related harm. A theoretical model, based on analysis of other surveys, was being put forward by the Chief Medical Officer very much as an advocate for the Department of Health's own alcohol policy community. The community surrounding the Chief Medical Officer was highly similar to that found in the 1980s in the Department of Health – that the Chief Medical Officer had become progressively more integrated into their work was not unsurprising given they increased the resources and were practical examiners of the impacts of current alcohol-harm reduction policy. Their policy community had become strengthened, potentially the dominant alternative policy community, but was calling for a radical policy shift – yet as it was outside of their direct influence their own changes would be incremental.

Initial response from the Labour government was complete rejection of minimum unit pricing proposals, despite rumours of disquiet from the Department of Health. It was quite unequivocal, 'The Prime Minister said that he would protect the interests of the "sensible majority of moderate drinkers" when responding to proposals from Sir Liam Donaldson for a minimum charge of 50p per unit of alcohol to be imposed on beer and wine,' (Hencke & Sparrow, 2009). Some fractures started to appear the next year with media coverage (Winnett & Prince, 2010) of a battle between the Health Secretary Andy Burnham and the Business Secretary Lord Mandelson regarding minimum unit pricing. The battle appeared to

indicate a traditional style play where one department was opposed to another. As was indicated in early sections, by this stage policy communities were organised quite effectively around the Department of Health and HM Treasury. The Business Department, whilst relatively more recent in creation, would be a natural home for interests that would be unlikely to be in favour of intervention.

An election soon changed the course with the Conservatives elected on a platform with new policies to both investigate alcohol duties alongside a ban on below cost selling. As an early feature of the new government they commissioned a review of alcohol taxation, which would consider a range of features across the current regime. Included within this was the potential to offer further taxes on what was referred to as problem drinks – the ready to drink, usually referred to as ‘alcopop’ category and the so called ‘super strength’ beers. Beyond this evidence was also requested into alcohol taxation per se, in terms of how the system could be changed or improved to offer wider benefits. On the first feature most producer groups were united in believing extra taxes were unnecessary. On the beer front the British Beer & Pub Association and the Campaign for Real Ale jointly made a submission calling for a lower duty rate for beers below 2.8 per cent alcohol by volume – as was permitted by European legislation but not previously utilised in the UK. This led to a considerable fission between alcohol-producer groups – dividing over the existing framework of alcohol duty and the comparative benefits for different types of alcohol. The main perpetrator of this was the company Diageo – which was, and is, the world’s biggest spirits producer, whilst also owning Guinness – using this breadth to be a member of most major alcohol-producer associations. They proposed a model where eventually all alcohol would be taxed the same per unit. They ‘suggested that the simplest way to implement this would be to hold spirits duty at its current level and use the RPI+2% alcohol excise duty escalator to move other categories of alcohol up to the level of spirits duty over time,’ (Talking Retail, 2010). This was fiercely resisted by other groups with the British Beer & Pub Association commissioning research to highlight the negative effect this would have on jobs in the licensed trade, whilst also highlighting the jobs that could be secured by preferential treatment of beer compared to other alcohol categories. The results were not unexpected – no major changes were made and alcohol groups effectively saw only minor changes that were

manageable. On super strength beers a new higher charge was implemented at effectively 50 per cent greater than those below the 7.5 per cent alcohol by volume barrier. Yet certain alcohol-producing groups also had success in building the case for the lower rate for beers below 2.8 per cent alcohol by volume, with a 50 per cent duty discount secured.

Whilst the Conservatives had been elected on a platform that would have introduced a below-cost selling ban, and the Liberal Democrats appeared to be similarly inclined, problems had appeared early in the process of policy development – cost prices varied from retailer to retailer. Equally no manufacturer would be keen for this information, or indeed their own production costs to be known publicly to their customers. The compromise put forward by the British Beer & Pub Association was cost price to be the cost of Duty and VAT on the product. Others considered proposals that would have another set percentage for an estimate of production costs. On a practical basis this would actually affect very, very few products with nearly all of the market considerably above either of these tiers. The Secretary of State for Health had stated his opposition to MUP whilst in opposition and newspaper reports indicated his position was maintained - with Andrew Lansley outlining that, 'many low income households who don't drink irresponsibly, but where this would have a significant effect', ("Minimum alcohol price 'unfair on poor'," 2 June 2010). The Home Office were proceeding with below-cost selling ban as a feature of licensing on a practical basis (Whitehead, 18 January 2011).

Improved organisation of alcohol-health groups, including launching into the Alcohol Health Alliance that brought together over a dozen charities, professional groups and research organisations as many of the members of this new alliance already had influence with the Department of Health and beyond. They also attracted increased media traction for their messaging and bodies such as Balance North East, an NHS-funded public information and campaigning organisation, pushed this further with a targeted lobbying campaign calling for MUP. In March 2012, the policy shifted with MUP becoming formal Government policy, alongside multi-buy restrictions, with the Prime Minister David Cameron taking personal ownership of the proposals. The arguments of the Sheffield model and previous

statements regarding lives saved were once again focused when he stated, 'We're consulting on the actual price, but if it is 40p that could mean 50,000 fewer crimes each year and 900 fewer alcohol-related deaths per year by the end of the decade,' (Prime Minister's Office, 2012).

Whilst the policy on MUP was being consulted upon, the beer-producing interest groups and the Treasury began a separate conversation on the rate of beer duty. Having previously submitted proposals jointly to the government with other alcohol groups, such as the Wine & Spirits Trade Association and the National Association of Cidermakers – with the occasional support of the Scotch Whisky Association the combination of fraying relationships following the debate of the entire structure of alcohol duty, added with the beneficial relationship of working with the Campaign for Real Ale and their large consumer membership changed the relationship structure within alcohol-producer groups with the British Beer & Pub Association splitting away. A campaign that included a parliamentary rally, 'a message in a bottle' to all MPs and other stunts, alongside a full constituency level breakdown of industry impact marked an increase in public activity. Yet on a private level engagement was also much more intense – detailed research, coordinated activity through the All-Party Parliamentary Beer Group and a series of targeted treasury meetings changed the conversation on beer duty (Gornall, 2014a). Arguing that revenues could be increased, pubs saved and political popularity through enthusiastic pub reaction secured not only the end of the Beer Duty Escalator two years early but the first cut in beer duty for around fifty years – with George Osborne in his budget statement saying, 'We're looking at plans to stop the biggest discounts of cheap alcohol at retailers. But responsible drinkers – and our pubs - should not pay the price for the problems caused by others,' (Osborne, 20 March 2013). This gave the distinct appearance that the alcohol-producer-led policy community around the Treasury, which was so historically prominent until the shift by Alistair Darling had managed to reset itself. That 'Cheers, George!' beermats and posters were distributed by the major brewers and pub companies across the country in praise of the then Chancellor George Osborne, alongside public pronouncements of price falls or similar activities demonstrated that the group could deliver its members and the policy outcome desired.

The charge against MUP was led by the Wine & Spirits Trade Association (Farey-Jones, 21 February 2013), with support from the Scotch Whisky Association and formal support, without practical intervention, from the British Beer & Pub Association ("Why should we pay more? Who are we," 2013). In general, the more of any alcohol-producer interests that were sold via the retail rather than the hospitality route the more likely they were active in pursuing the removal of the MUP policy ("Alcohol minimum pricing: the industry responds," 28 November 2012; J. Woodhouse, 29 August 2018, p. 7). Given the Prime Minister's active support it appears most groups did not expect to be successful in changing the policy (J. Woodhouse, 29 August 2018, p. 6). Advice from the Chairman of the All-Party Parliamentary Beer Group to the industry at its annual Christmas Reception, was to accept the policy and work out how to promote the industry – following on from early supportive comments (Perrett, 20 May 2012). Yet, the continued legal dispute in Scotland, which will be discussed in the next section, also played a factor in turning the tide against the MUP policy – this would be a considerable battle that would use much government resources whilst representing no actual income and potentially having initial costs of falling duty revenues at a faster rate than potential benefits which were more long-term.

Almost as quickly as the policy appeared it was gone. In rather less politically charged manner, the policy was dropped in a speech to the House of Commons by Jeremy Browne, then a Minister of State in the Home Office, who also announced that proposals on multi-buy bans had been dropped. He said on MUP, 'That policy will remain under consideration, but it will not be proceeded with at this time. We do not yet have enough concrete evidence that its introduction would be effective in reducing harms associated with problem drinking—this is a crucial point—without penalising people who drink responsibly. We will tackle the most egregious examples of cheap alcohol by banning sales of alcohol below the level of alcohol duty plus value-added tax. That will come into effect in England and Wales no later than the spring of 2014, and will stop the worst instances of deep discounting that result in alcohol being sold cheaply and harmfully. It will no longer be legal to sell a can of ordinary-strength lager for less than about 40p,' (HC Deb, 2013-14). The language had shifted from that of the health focused policy

community relating to exact lives saved and costs of alcohol harm, returning to the language of previous times relating to the individual and the risks of penalising the majority. The proposal of the British Beer & Pub Association on below-cost selling, thought too weak the previous year, was also notably reinstated (although never actually developed). In both 2014 and 2015 beer duty was cut again – with other alcohol-producer interests also benefiting from a combination of cuts, freezes and limited rises in the same period, considerably under the alcohol duty escalator proposed levels. The policy community surrounding HM Treasury was back and in a position of influence, whilst at the brink of achieving a long-held pricing objective, it seems the policy community surrounding the Department of Health had been defeated. This was indicative of a return to incremental policy on alcohol pricing, the government had tried to deliver policy without taking the groups who would on a practical basis be implementing the policy along with them.

***Table 5.5.: The policy communities surrounding the end of Labour and the Coalition term compared to the Daugbjerg (1998) typology of policy communities***

<b>Dimension</b>	<b><i>Policy Communities</i></b>	<b>2008-2010 The last years of Labour</b>	<b>2010-2015 The changing Coalition policies on alcohol</b>
<b>Membership</b>	Very limited number of members. Narrow range of interests represented.	No clear community surrounding the Treasury, yet close community of health interests surrounding Department of Health.	Close community of health interests surrounding Department of Health. Reconstruction of Treasury and alcohol-producer group community, with tight, limited membership.

<b>Integration</b>	Bargaining and negotiation. Frequent interaction.	Some formal interactions by alcohol-producer groups. Much closer, well organised relationships in the Department of Health.	Frequent, organised interaction with high level of policy issues discussed. Close relationships.
<b>Institutionalisation</b>	Consensus on policy principles and procedures to approach policy problems.	Similarly, little institutionalisation with the Treasury – the abolition of an institutionalised relationship. Very clear organisation and formal relationship with health interest groups.	Both becoming increasingly institutionalised.

If we consider the traditional approach, we find potential for explaining the 2008-2010 period – when we consider the dimensions of the Daugbjerg typology in table 5.6. it is clear that the community surround the Department of Health was well established with a clearer framing and dimensions that worked. That the community surrounded HM Treasury was comparatively poorly established or had broken down since earlier periods played a significant role. Yet there is not complete clarity as to whether the health policy community actually took control of the policy arena or instead the lack of a policy community around HM Treasury which led to the policy shift – the presence of the health policy community offers no better explanation for the policy than the lack of the Treasury one. The policy was still the Treasury's – whether the health policy community had direct influence is clear – but it was a voice within policy development that was not countered by an alternate. By 2010-2015 this had shifted – there was organisation around the Treasury again – more radical policy against the interests of alcohol-



producers may have been explained by their absence previously – yet their presence led to an equally radical policy in their favour. If we put aside the health policy community and look exclusively at the Treasury there is evidence that demonstrates by playing by the rules of the game – re-engaging – there are clear benefits for the groups in terms of policy outcomes that are directly related to their members interests, or at the very least not as actively against their interests.

***Table 5.6.: The policy communities surrounding the end of Labour and the Coalition term compared to the adapted Daugbjerg typology for adversarial policy communities***

<b><i>Dimension</i></b>	<b><i>Core Policy Community</i></b>	<b><i>Alcohol-producer based policy community</i></b>
<b><i>Membership</i></b>	Very limited number of members. Narrow range of interests represented.	Membership very exclusive to alcohol-producers and some retailers. Latter focus on certain alcohol groups (the British Beer & Pub Association and the Scotch Whisky Association) being more essential.
<b><i>Integration</i></b>	Integrated into the dominant body for policy development at any specific point. Bargaining and negotiation. Frequent interaction.	Whilst dissipated initially, become integrated within the Government systems – primarily HM Treasury.
<b><i>Institutionalism</i></b>	Consensus on policy principles and procedures to approach policy problems.	General agreement on principles (negotiated economic settlement) and wider contextualisation (impact on pubs).
<b><i>Dimension</i></b>	<b><i>Alternative Policy Community</i></b>	<b><i>Health groups based policy community surrounding the Department of Health</i></b>

<b><i>Membership</i></b>	Very limited number of members, mostly different to the core policy community. Narrow, alternative range of interests represented.	Narrow health and medical membership. Interests clash with the core community.
<b><i>Integration</i></b>	Bargaining and negotiation – of an alternative style to the core policy community, potentially including alternative venues. Frequent interaction.	Evidence of close relationships within the health policy community.
<b><i>Institutionalism</i></b>	An alternative consensus on policy principles – with potential use of alternative procedures to approach policy problems.	Very much ingrained within their department and completely different framing of the issue, and purpose, of alcohol pricing to prevent harm or promote the public good.

Considering the adversarial approach, core and alternate communities are discernible with a core community populated by the key alcohol-producer groups with interests in multiple government departments but with HM Treasury key and a health-based alternate community that surrounded the Department for Health. This situation, as broadly outlined in table 5.6., facilitated effectively clashing and competing policy goals which caused enough significant tensions to lead to substantial policy shifts. The core policy community looked dissipated yet proved increasingly resilient, to an extent the challenge from the alternate led to re-engagement and policy shifts. The weakening or softening of the core policy community that facilitated the large increases in taxation and the alcohol duty escalator invariably led on to the arguments of minimum unit pricing which saw authority removed from the Treasury. This could be argued to be the jolt that restarted the core community that then needed to both reframe and then act on a policy direction to reassert itself – it could also be analysed in the context of the

second face of power (Bachrach and Baratz, 1962) – with the latter efforts to restrict the policy direction indicative of this. To an extent the first significant change beyond the incremental led to a reaction within the core policy community but at first the alternate was in a more powerful position – it was a delayed, challenging process to reset the policy frame - in effect by modest compromise and the reigniting of relationships.

#### **5.4. Scottish attempts at Minimum Unit Pricing**

In the next section the shift in interactions on alcohol policy from a voluntary, coordinated approach with close industry group interactions under the Labour administration to the more dramatic shift in policies under the Scottish National Party will be considered. For this section there will be a focus on the headline feature of this shift which were the proposals made to introduce a Minimum Unit Price for Scotland, which became the most contentious focus of their alcohol policy. This section will consider the announcement of the principle of MUP, the background to this announcement and the effect this had on policy networks. It will then briefly consider the debate over the actual price per unit that was to be set and how groups interacted with this. It will then consider the breakdown of the policy community relationships that led to a legal challenge, a long-term battle with policy development in flux. There will then be some consideration of the reaction and impact on networks of the legal decisions made that had a significant effect on this pricing policy.

Ahead of the 2007 Scottish elections that saw the establishment of the SNP minority administration, there had effectively been a working policy community for alcohol where alcohol-producer interests were favoured, it was also broader in membership and influence than the UK policy communities. Part of this was that the network was organised around the issue of alcohol, rather than separated based on departmental spheres of influence as at the UK level. They also formalised the alcohol-producer side of the relationship establishing the ‘Scottish Government Alcohol Industry Partnership’ in February 2007, formed with major alcohol-producer, retailer and larger alcohol businesses, with the intention that it would, ‘be a long term collaborative approach to fostering a culture which recognises that responsible, moderate consumption can be part of a healthy

society', (Scottish Executive, 2007a). The elections saw the SNP come to power for the first time. This represented a new environment for the policy communities interested in alcohol policy and created the opportunity for more dramatic policy shift.

In June 2008 the Scottish Government published, 'Changing Scotland's relationship with alcohol: a discussion paper on our strategic approach,' (Scottish Government, 2008) which put on record their proposal to introduce what was then called a Minimum Retail Price for alcohol. This document represented a shift in both terms of discussion and potential policy interventions. The discussion paper led to a wide consultation that indicated both the divide in group positions and the influence of the respective groups on policy. Whilst, 'almost all health organisations and local government bodies supported minimum retail pricing in principle', (Scottish Government & Hexagon Research and Consulting, 2009, p. 32) there was a marked difference from the trade groups where, 'thirty of the 36 organisations that expressed their opposition to minimum pricing were trade and business organisations', (Scottish Government & Hexagon Research and Consulting, 2009, p. 33). Though there were some divisions from the trade perspective, 'Ten trade and business organisations supported the minimum retail pricing proposal in principle (for example, the Scottish Licensed Trade Association) or expressed a view in favour of one of the criteria suggested in the discussion paper for determining the minimum price,' (Scottish Government & Hexagon Research and Consulting, 2009, p. 33). It should be noted, that many of these had a hybrid response – approving a minimum retail price for retailers rather than the hospitality sector for example. The consultation summarised the response in terms of the percentages of organisations that supported the proposal (65 per cent), a somewhat trivial measure given the different status and size of various organisations, yet used as a justification to indicate significant support. The support from the public responding was less decisive – with 49 per cent in favour of the measure.

The next step was the publication of a formal strategic policy proposal in 'Changing Scotland's Relationship with Alcohol: A Framework for Action,' (Scottish Government, 2009). This document made clear that, 'we are persuaded by the representations from health organisations and others that the evidence to show

the correlation between price, consumption and harm is strong,' (Scottish Government, 2009, p. 11) and indicated the Scottish Government would soon bring forward proposals. This represented a situation where an insider network of health policy groups had significant influence within the Scottish Government whilst the alcohol-producer groups found themselves on the outside, to an extent a reverse of the wider British arrangement. The proposals came forward in the Alcohol etc (Scotland) Bill in November 2009, with the proposals for MUP headlining the Bill. Yet, it was a minority SNP administration and despite the conversion of the administration towards the case for MUP, this was not shared across the Parliament. There was a successful exercise of an almost shadow policy community, showing evidence of another alternative policy community, surrounding the opposition parties, highlighting flaws and practical concerns with the policy.

The SNP administration saw their proposal on MUP fall in the Scottish Parliament on a 76-49 vote, with opposition parties effectively uniting in opposition. The reaction to this from health policy groups and the SNP was firm. The leader of opposition to MUP, Jackie Baillie MSP, then Labour's health spokesperson, came in for criticism from health policy groups and the SNP representatives. Arguably inappropriately SAB Miller sent boxes of beer to all opposition MSPs who voted against the proposal. Jackie Baillie donated these to a local veterans' organisation but that did not free her from criticism, with SNP MSP Michael Matheson saying, 'this is clearly Labour's reward for a job well done. I'm pleased to see Labour are donating the beer, but a far better gesture would be to commit to supporting minimum pricing instead of playing party political games,' ("MSPs accused over beer gesture," 2010). Others, such as Donald Henderson, the Head of Public Health for the Scottish Government in this period, said, 'I think both sides recognised that the war had got pretty bloody, and that some in the alcohol trade had gone beyond legitimate tactics,' (Gornall, 2014b). Clearly there was considerable dissatisfaction from both the SNP and those within the alcohol health policy community with the outcome, in a very different fashion to the reaction in the wider United Kingdom.

There are examples of certain groups believing that their evidence is both independent and therefore incorruptible, whilst any evidence from alcohol-

producer groups is by comparison tainted. For example the report, 'ALCOHOL: Price, Policy and Public Health,' (Gillan & Macnaughton, 2007) from Scottish Health Action on Alcohol Problems (SHAAP), a consortium of health policy interest groups, is cited as a primary evidence source, independent from external influence within the consultation documents and beyond. By comparison a report commissioned by SAB Miller, from the Centre for Economics and Business Research is treated in a different fashion. The British Medical Journal (Gornall, 2014b) quoted Evelyn Gillan, then Chief Executive of Alcohol Focus Scotland and one of the authors of the SHAAP report said, ""The CEBR critique of [the University of] Sheffield's [alcohol policy research] didn't meet the standards of peer reviewed science," says Gillan, "yet they were sitting there giving evidence at the health committee as if they were a set of [independent] academics.""

The elections of 2011 saw the SNP re-elected now with a majority in the Scottish Parliament. Given there was a manifesto commitment to introduce MUP, it was not surprising this proposal came forward fairly rapidly. The Alcohol (Minimum Pricing) (Scotland) Bill was tabled on the 31<sup>st</sup> October 2011 as a key Government priority. Given the changed political balance the shadow policy network the alcohol-producers had established had less useful potential than previously. The proposals passed easily in late May of 2012, with the Bill receiving Royal Assent in June. An indicative take on the policy community surrounding this can be found on the special Scottish Government web page that focuses on MUP. They include quotes from supportive organisations such as Alcohol Focus Scotland, the BMA and SHAAP (Scottish Government, 2012b), including reference to the one trade group that supported the proposals, the Scottish Licensed Trade Association, and two alcohol-producers who also supported the concept.

The industry responded to these proposals by taking forward a legal challenge to the proposals based on European law. This changed the dynamic of the policy community, moving to an arena where the alcohol-producers were far better organised and had established relationships. The European Commission (26 September 2012) quite rapidly issued a 'Detailed Opinion' that heavily criticised the proposal and called for reconsideration (BBC News, 25 July 2013). Not unexpectedly this was welcomed by alcohol-producer groups and opposed by

health policy groups. The Chief Executive of Alcohol Focus Scotland said, 'The EC opinion was very poor, with factual inaccuracies. It was really clear that the industry had been doing massive lobbying over the summer months and about two days before the EC was due to issue its response to the UK and Scottish governments, a number of member states rushed in responses in opposition,' (Gornall, 2014b).

The court battles lengthened the period ahead of implementation – going on for several years with partial victories for both sides. It finally escalated to the European Court of Justice who issued what was very close to a final, definitive opinion – although some options do remain. The media reports seemed to indicate that the result was a victory for the alcohol-producer groups (Carrell, 2015), with the proposal as it stood ruled in breach. In their ruling the court said, 'The court of justice considers that the effect of the Scottish legislation is significantly to restrict the market, and this might be avoided by the introduction of a tax measure designed to increase the price of alcohol instead of a measure imposing a minimum price per unit of alcohol,' (Court of Justice of the European Union, 23 December 2015). Yet despite this, it also established formally the scenario where it would be possible and permissible. This opportunity was welcome by some health policy groups with SHAAP stating, 'We welcome the ECJ opinion, which effectively confirms that the Scottish minimum unit pricing policy has to be justified as a regulatory measure to work alongside taxation increases. Taxation increases, incidentally, are also consistently opposed by the opponents of MUP. We hope that the Scottish courts will now move quickly to gather evidence to conclude this case and that the Scottish government will then implement this key policy without delay,' (Carrell, 2015). There was recognition that a policy community had taken control with alcohol-producers to effectively outside of the levels of access they previously enjoyed was acknowledged by the Scotch Whisky Association's Chief Executive who said, 'We told them that effectively anything which actually interfered other than through tax with the pricing of alcohol was likely to run into problems [but] by the time we actually told them that minimum pricing was totally unacceptable to us and would remain so, they didn't believe us, and therefore we're in the legal fight that we are now in,' (*SWA's Hewitt: should have acted sooner to block minimum pricing.*, 19 November 2013).

Eventually, and after years of legal fights, on 15 November 2017, the UK Supreme Court ruled that the legislation that sought to introduce a minimum unit price was lawful ("Scotch Whisky Association and others (Appellants) v The Lord Advocate and another (Respondents) (Scotland)," 2017). In response the Scottish Government announced they would introduce a minimum unit price in May 2018 – although a consultation from December 2017 until January 2018 on the practicalities of implementation was offered. It finally became policy – at the original 50p per unit – on the 1 May 2018 – a month short of a decade from its first announcement. Given the time that had passed, that it was still at the same proposed price could be an argument that on one level at least, there had been success for the alcohol groups.

Holden and Hawkins (2013) make a strong argument that Scotland is unique in its radicalism because of the lack of influence or establishment of imbedded interests. Whilst there is a clear argument that Scotland has moved further and faster part of this could be down to the tools available for influence. By using the adversarial policy community approach framing, we can consider that Scotland cannot control rates of taxation of alcohol – the primacy of the Treasury affected this in the UK context by in effect empowering its policy community to push back the alternate health policy community on this issue. In Scotland the fact that this is not an area they have influence, means that interests have not formed a policy community focused on this area. The established policy community in the UK cannot use its influence on Scotland – it in effect does not have dominance or primacy. In the Scottish context it is not core, it does not necessarily have the potential to be an alternate. The core policy community is formed around the Scottish health department and the alternate struggles for a venue or vehicle – hence we see the legal system and the European Union level being engaged. Scotland is not necessarily different due to the distance from alcohol interests – it is just that it has a political system designed, contrasting with the greater devolution or independence demanded, that sets a policy framing where alcohol, and economic, interests have departments with less influence around which they had organised in the United Kingdom context. There are policy limitations in Scotland – primarily that they cannot influence levels of alcohol duties or introduce new bands within



the duty system – are also an opportunity for the health policy communities. This system means there is no government department or policy community surrounding it that benefits or is harmed directly from this taxation interest removes what had been the dominant community. In contrast health-led policy groups find departments where they are more naturally the obvious membership for core communities and the alcohol interests find themselves alternates looking for venues. Whilst not a perfect analogy – the rules of the game are different. It is not that they do not influence – as was demonstrated by the delays in MUP and that the price point remained at the proposed level from ten years before – but that it is a system that currently does not have a venue where alcohol's economic interests are considered in the same context as the wider United Kingdom.

## **5.5. Conclusion**

Government intentions on alcohol pricing have changed markedly over time, from concerns on prices rising too fast causing inflation and hurting consumers; to the modern advocacy of price as a tool to limit alcohol consumption. Within the wider British system the established policy communities, usually surrounding government departments such as the Treasury with direct policy responsibility that gave the opportunity for considerable alcohol-producer engagement have proved successful at limiting major policy changes and leading a process of effectively incremental change. Looking at only this feature would offer evidence for a traditional policy community approach being an appropriate fit.

Yet when new participant departments tried to have influence, and the established community sought to resist this change, there was evidence of an alternative community even if it was unsuccessful in taking the place of the incumbent. Whilst defeated alternative attempts to influence were found – for example when the Department of Economic Affairs managed to refer the issue of beer price to the National Board for Prices and Incomes, even if this failed. The close relationships of the incumbent policy community, with considerable continuity, proved influential in developing final policy, even if interim battles saw them defeated or alternatives given an airing.

The attempts of the medical and health policy groups to bear new influence following recommendations on policy made outside of the community, demonstrated the strength of the existing policy communities and their ability to show resilience, as well as hold their place - alongside the evidence of civil servants as advocates of policy community interests. Yet with the establishment of the Alcohol Duty Escalator it was also apparent that whilst the incumbent policy communities were influential within their policy arena, they had little influence when their arena was of less political significance than other priorities – as well as the importance of actively seeking to maintain its own policy community relationships which appeared to have slipped. In rebuilding the policy community, or restoring the original policy community membership, surrounding the Treasury with changing partnerships and new access levels for different alcohol-producer groups examples can be drawn with the reaction of the agricultural policy community to the egg crisis of the 1980s as seen in Chapter 2.

The UK Government's rapid shift to Minimum Unit Pricing and then away again, also demonstrated how policy developed outside of the incumbent community can be influential. Once again the re-establishment of control with the communities led to a policy more incremental and acceptable to alcohol-producer groups being implemented. The core policy community, whilst challenged, in the end remained the core – with the alternate remaining in its outsider position. It also contrasts with Scotland where a very different policy community in a position of influence, led to different policy challenges. The acknowledgement by industry groups that insufficient efforts had been put in to making these relationships is indicative that the UK model is one of considerable continuity, one that was developed by history rather than designed by political choice. It also demonstrated that the lack of engagement of groups that had responsibility for policy implementation would lead to considerable problems for enacting policy. Incumbency was often there as the advantages outweighed political inflexibility in general. Scotland could be considered to be an outlying policy because of factors entirely exogenous to alcohol – that of system design. That alcohol revenues effectively do not have a clear, direct impact on the Scottish exchequer and there is no department tasked with maintaining this revenue has had a significant effect on policy. It has also led to continuous seeking of venues for the effective alternative policy community

made up of alcohol-producers. Scotland could be different by design – but this could be a design flaw, not an intention. Scotland could be different by error, not choice.

The policy case studies regarding alcohol price offers influential policy communities with alcohol-producers at their core, with preferable policy and at a steady pace – in isolation an observable traditional policy community style. It also demonstrates that they are not all-powerful and can be overcome when political will is considerable. This distinction is more notable than other case studies, policy communities cannot necessarily explain policy divergence or shifts that occur in pricing. Whether this is a shift in taxation policy or curtailing of a desire to shift taxation policy there is not always clear evidence that groups and the policy communities they play a part in actually have clear influence. For alcohol producers, influence can on occasion be evidenced, but so can circumstances when they are entirely bypassed and not involved in a consultative environment – with the CPRS report and the Alcohol Duty Escalator the clearest examples of this gap from a policy community environment – either for the alcohol sector or public health groups. Yet their engagement leads to more workable policy, which on a practical basis is desirable. The various iterations of pricing policy have affected the policy communities and it is indicative that there is strong evidence for an adversarial policy community environment that affected iterations of pricing policy – it explains many of the developments effectively. These symbiotic relationships found of which examples can be evidenced across the case studies, are indicative of policy communities, of an adversarial nature, being important for the development of alcohol policy.

## Chapter 6

### Alcohol strategies

#### A comprehensive approach to tackle alcohol harm?

*'We are fighting Germany, Austria and drink, and as far as I can see, the greatest of these three deadly foes is drink.'*

David Lloyd George (28 February 1915)

Whilst previous chapters have focused on specific areas of alcohol policy – licensing and drink-driving – this chapter instead seeks to consider key case studies of policy development when the initiatives on alcohol were broader than a single policy area. This is a consideration of what is termed as an 'Alcohol Strategy' – a broader attempt at influence that extends beyond a single functional element of alcohol policy. This will mean consideration of developments made across areas, government departments and how groups responded in these circumstances. Implicit within this is that these broader strategies are externally viewed as government-led – the strategies of government departments and agencies, influenced by groups rather than groups own alcohol strategies. The previous case studies, including consideration of Scotland, have shown that groups compete in policy development, but so do government departments, inquiries, the nations and regions, non-ministerial departments and wider venues. The evidence has suggested that influence has been found in within a venue and from venue shopping. Groups have sought to stop a radical policy shift or indeed instigate one through the gaming of these options. Yet when a more comprehensive approach is sought, it crosses these venues, risking disruption of long held relationships or processes. If the alcohol sector is dominant, then this is where it would most likely be felt – the overall policy direction, strategy and process.

In considering this broader perspective, whilst respecting government policy boundaries, provides an opportunity to consider if there are adversarial policy communities who interact on competing issues, what areas may be conceded and what areas protected. It will also allow us to consider, on a comparable basis, to what extent relationships in less dominant policy communities have, or do not have, an impact on policy development. If issues end up moving from one policy community to another, does it have an impact on the policy resolution? The first

section will look at the role of alcohol policy in the First World War and inter war period when government put the focus on alcohol. The development of new, powerful bodies to set alcohol policy required new relationships with groups – and new reactions to policy ideas. This period saw considerable success for the temperance movement, which arguably was sustained post the Second World War. In the 1950s new considerations on alcohol appeared with the medical community and alcohol had more of a medical, rather than moral focus. The second section will consider the period from the start of the Thatcher government, when the first real consideration of a broad alcohol strategy was made, how groups reacted, the communities that developed and the policy outcomes. It will then move on to the New Labour alcohol strategies, alongside other policy side-lines that may have been less successful than desired.

The third section will look at the Public Health Responsibility Deal and the Alcohol Responsibility Network – potentially a directly created policy community that would publicly negotiate alcohol policies. It will consider the successes and failures of this in terms of developing policy – the challenges it faced and the outcomes. The final section will look towards Scotland that used their devolved authority to pursue a unique course on alcohol. It will seek to consider both the Labour and Scottish National Party-led governments - whether their respective approaches resulted in a traditional or adversarial policy community that may have played a role in the different policies – or whether other factors played a more influential role.

## **6.1. Temperance and the alcoholic**

Whilst there is a long history of intervention into individual elements surrounding alcohol policy, the first attempts for a more strategic approach to the alcohol issue began around the period of the First World War – when the state took a new and deeper interest. The peak of the moral crusade accompanied this from the temperance movement made up of religious groups and social change activists; alongside a Labour Party with a new view on alcohol and uncoordinated alcohol interests without a clear unified structure. This period, which lasted until the mid-1920s, saw considerable formal group involvement in developing responses to the alcohol problem. A change began when a reconsideration of the alcoholic and

alcoholism began within the then Ministry of Health. Alcoholism had been seen in a similar fashion to vagrancy, a social ill to be overcome, not a medical disease to be treated. With a new way of considering the alcoholic coming from the United States new groups were established led by the medical community that went from disinterest to key interest in the issue. This section will seek to consider whether policy communities were apparent in these periods, seeking to understand if a policy community could have existed, how it influenced policy on alcohol and the effect it had on policy development. It will also seek to consider whether this more closely matched the approach of the traditional or adversarial policy community structure.

The supply, sale and consumption of alcohol piqued political interest as the First World War began. Alcohol became a war issue almost immediately, 'the Defence of the Realm Act gave the military authorities powers to regulate hours of sale in certain key areas,' (Greenaway, 2003, pp. 91-92). Further pieces of legislation also developed these restrictions further – with large swathes of the country under new regulation that sought to limit the hours of sale for alcohol – other measures – including the No Treating Order from 1915 restricted the ability to buy someone else a drink – effectively ending the concept of rounds – indeed as a Guardian editorial from the time noted, 'The terms of the order are pretty closely drawn, and if it is to be evaded it can only be in one way - through the provision which allows intoxicating liquor to be bought by one person for another if at the same time the purchaser is also entertaining his friend to a meal,' (Editorial, 1915). Initially the division was between two groupings – the temperance groups mainly made up of the religious activists and social crusaders and the alcohol groups, dominated by the brewers, but in a somewhat indirect manner, advocating their respective sides of the argument - 'brewers stressed their patriotic credentials in view of the new beer taxes, while temperance advocates stressed old arguments about the detrimental effects of alcohol consumption on the national character,' (Greenaway, 2003, p. 92). The intervention of Lloyd George changed this, with fiery vitriol and the clever use of public relations tools – such as leaking a pledge from the King to abstain throughout the war period. This led to a proposal that divided group interests – nationalisation. This proposal – and the prospect of state 'disinterested management' became the two options that came under the spotlight in the years

ahead. The Central Control Board (CCB) Liquor Traffic was established in May 1915 with wide-ranging authority to manage the alcohol issue throughout the First World War. In its initial establishment organised groups were formally kept off the board, 'a feature of the work of the CCB, evident from the outset, was its independence from the vested interests of the Drink question: the temperance organisations and the trade,' (Greenaway, 2003, p. 98). Whilst initially having limited authority, the CCB soon developed the ability to be a significant regulator of alcohol. Sales were restricted, experiments in ownership conducted and wide-ranging proposals made. Significant within these was the greater restrictions on licensing hours, which became firmer and less favourable to higher volume sales of alcohol. The CCB even proposed, and made some progress on, plans to nationalise the alcohol sector. In the end, costs became a factor, with compensation likely to be too expensive for a government on a war footing, but it offered an indication of the balance of influence – it was certainly not in the producers, mainly brewers', favour. Yet the CCB also had a time limit – its abolition only one year after the end of the First World War written into its founding legislation ("Defence of the Realm (Amendment) (No. 3) Act 1915," 1915). As a compromise its authority was given to the Home Office to release this time pressure, and, in a significant backtrack Lloyd George arranged a negotiated settlement at a conference between Members of Parliaments considered to be representative of all parties. 'The round table conference sat in June under the Chairmanship of the Attorney General; it consisted of eighteen MPs: four each from the temperance and Trade sides, two representing clubs, four neutrals, and two each from the government and Labour opposition,' (Greenaway, 2003, p. 124). This firmed up some of the licensing measures put in place temporarily and allowed all sides to come away with some victories.

The end settlement to this period of policy flux had been negotiated in a way that is arguably very similar to a traditional policy community – various invited interests on the inside, participation has value and there is a negotiated settlement. The major weakness for this interpretation was the lack of institutionalisation. Considering the Daugbjerg (1998) typology, table 6.1. indicates that membership and integration were in general in line with the anticipated rational policy community approach, yet in terms of institutionalism there was a significant

deficiency. Looking beyond this limited timeframe, in terms of policy development, it was the producer interests who made greater progress. Greenaway (2003, p. 128) argues that, 'the connections forged at this period between civil servants and the Trade persisted into the interwar years.' Further former civil servants found roles with individual brewers and their trade association the Brewers' Society, a feature that is heavily highlighted by Richardson and Jordan (1979) as an established feature of a sustained policy community relationship. In many ways the example of centralised control and attempts to set policy had made something clear, 'the First World War had proved that Government had need of producers and manufacturing pressure groups when it sought to regulate,' (Greenaway, 2003, p. 128). Greenaway (2003, pp. 128-129) further argued that in comparison the temperance movement had champions in parliament but had not built the institutionalised relationship with civil servants. A major part of this was the conflicting demands of the groups – there was not a single unified group or position that could deliver wider support for a proposal. These groups were not necessary to regulate, they did not have clear interests and their volume of complaint was now falling on deaf ears. This weakness proved ever more important as considerations of the influence of the temperance movement is made in other chapters. The First World War and the concerns surrounding alcohol created a circumstance where the development of a policy community system of governance became apparent. The initial exclusion of groups – such as the Brewers' Society, the National Union of Temperance and others who all had an active, engaged membership, did allow for significant and rapid policy change, yet produced several, serious negative side effects. The first negotiated environment addressed this challenge of policy implementation with group representatives, as seen by Lloyd George's desire for a settled position. This was still at a political level, with MPs' representatives, admittedly isolated from latter consideration of group engagement but nevertheless offered an example of a developing situation. The position of civil servants as negotiators and their increased role in policy development was also apparent – as was the more fluid employment relationship between civil servants and interest groups. More widely the latter beginning of institutionalisation observed by Greenaway (2003) from the producer perspective, and the comparative disorganisation of the temperance movement also offers indications to the relationships seen in the licensing changes in the 1960s.



**Table 6.1.: The policy communities surrounding the first attempts of alcohol strategies compared to the Daugbjerg (1998) typology of policy communities**

Dimension	<i>Policy Communities</i>	1914 – 1925
		The Temperance Years
<b>Membership</b>	Very limited number of members. Narrow range of interests represented.	Government departments, employers and labour groups alongside some medical community. More extreme temperance and alcohol interest groups generally excluded.
<b>Integration</b>	Bargaining and negotiation. Frequent interaction.	Interaction between them is frequent, coordinated visits to sites and formal meetings. Close working relationship.
<b>Institutionalisation</b>	Consensus on policy principles and procedures to approach policy problems.	Development of the process of responding to policy problems. Time limits indicate lack of institutional structure. Beginning of institutional relationships between civil servants and interests.

In this period, it is difficult to say there was a true traditional policy community in place, as the exclusions had made policy implementation challenging – delivery was a counterpoint. The potential structure for a community was established as a result of these challenges - indicating that the embracing of a policy community had wider impacts. As indicated in table 6.2. there is a narrative that indicates the potential presence of an alternative policy community within an adversarial policy community environment may be applicable in an earlier period. The time-limited core policy community progressively became an inappropriate or incomplete policy community and then somewhat overtaken by an alternative policy community with producer interests more central. Whilst this transition is not evidenced as being complete, there is evidence if an alternative policy community that seemed to use some of the structural environment created by the first – with

observable features of a better fit within typology. Yet, as the table indicates, except for institutionalism the core policy community had many of the features apparent, yet the alternative is very much vaguer – the evidence can be considered to be better explaining a limited traditional policy community approach rather than the adversarial approach. That the future observable environment sees relationships with groups – the Brewers’ Society as a clear example on one side, the various temperance groups and unions on the other – both finding themselves outside of the policy community at this stage does not necessarily indicate they were formed within an alternative policy community.

***Table 6.2.: The policy communities surrounding first attempts of alcohol strategies compared to the adapted Daugbjerg typology for adversarial policy communities***

<b><i>Dimension</i></b>	<b><i>Core Policy Community</i></b>	<b><i>Employers, labour and medical community</i></b>
<b><i>Membership</i></b>	Very limited number of members. Narrow range of interests represented.	Government departments, employers and labour groups alongside some medical community. More extreme temperance and alcohol interest groups generally excluded.
<b><i>Integration</i></b>	Integrated into the dominant body for policy development at any specific point. Bargaining and negotiation. Frequent interaction.	Interaction between them is frequent, coordinated visits to sites and formal meetings. Close working relationship.
<b><i>Institutionalism</i></b>	Consensus on policy principles and procedures to approach policy problems.	Development of the process of responding to policy problems. Time limits indicate lack of institutional structure.
<b><i>Dimension</i></b>	<b><i>Alternative Policy Community</i></b>	<b><i>Alcohol-producers and retailers</i></b>

<b><i>Membership</i></b>	Very limited number of members, mostly different to the core policy community. Narrow, alternative range of interests represented.	Effectively the producers and licensed retailers of alcohol.
<b><i>Integration</i></b>	Bargaining and negotiation – of an alternative style to the core policy community, potentially including alternative venues. Frequent interaction.	Evidence of interaction, with departments and organisations on the edges of the core community.
<b><i>Institutionalism</i></b>	An alternative consensus on policy principles – with potential use of alternative procedures to approach policy problems.	Beginning of institutional relationships between civil servants and interests.

The temperance movement had established alcohol's position as an issue of morality – the social ills of the alcoholic playing heavily into the movement's imagery. This was a position shared by the then Ministry of Health when in correspondence it was stated that alcohol, and the alcoholic, was a 'social rather than health problem', (Elkington, 28 January 1957). This position was to face challenges and in changing influence policy communities. The slowly changing positioning of alcoholism as a health issue, had its main focus surrounding external evidence coming into focus, mainly from the World Health Organisation (WHO), which in some ways changed opinions in this area (Greenaway, 2003, p. 161). This argument, that alcoholism was a treatable disease, found elements of favour, yet equally only added to further disputes within policy development. With comparatively little evidence of the number of alcoholics, and it being seen as an individual, not societal, problem the question of how to respond was seen as challenging. The developing evidence base that suggested alcoholism was a disease and the significant aggravating factor that crime associated with alcoholism was increasing led to influential groups publicly increasing the pressure for action. The

British Medical Association and Magistrates Association (1961) commissioned a joint memorandum that called for action. Further support came from professional committees within the Ministry of Health, mainly the Standing Mental Health Advisory Committee (SMHAC) that stated, 'that the government should expand the specialist treatment of alcoholism within the NHS', (Baggott, 1986, p. 472).

This increased the pressure on the Ministry of Health with the Home Office also seeing pressure added from, 'the professional organisations concerned with law and order also become particularly worried about the increasing level of drunkenness in the 1960s and voiced their concern to the Home Office,' (Baggott, 1986, pp. 472-473). Other groups also appeared on the radar such as the Medical Council on Alcoholism that was, 'formed in 1967 by a number of doctors who wanted to promote a greater awareness amongst the medical profession of the extent of alcohol problems', (Baggott, 1986, p. 471) and a new brand for an old interest in the, 'National Council on Alcoholism (NCA), a precursor of Alcohol Concern, was established in 1962 as a voluntary organisation, but was in fact created by the temperance movement,' (Baggott, 1986, p. 471). Within Parliament an All-Party Parliament Group on alcoholism which Baggott (1986, p. 476) notes, 'provided a platform for lobbying on this issue'. Whereas in a traditional policy community's interests gather around government departments, in this circumstance alcoholism was an issue that no government department wanted ownership of. Baggott (1986) and Greenaway (2003, p. 164) outline a conflict between the Department of Health & Social Services (DHSS) and the Home Office where at the end of a cross-departmental inquiry responsibility for implementation became a major sticking point. Finally this was addressed with responsibility assigned to the DHSS – the Home Office's previous formal responsibility for habitual drunkenness now intertwined with the DHSS responsibilities for alcoholism. This was followed by a major decision to expand alcoholism services, with an investment of some £2 million per year for alcoholic treatment units, with the ambition to cure, rather than just treat alcoholism (Baggott, 1986, p. 476). The focus of the issue in one Government department, and the launch of a policy with wide backing, led to considerably increased engagement from groups. 'Even the voluntary organisations that had, prior to 1970, been largely excluded from consultation were drawn into a close

relationship with DHSS,' (Baggott, 1986, p. 476). Arguably this could be considered a negative to a policy community structure, and more of an argument for an issues network being in place. However, Baggott (1986, p. 476) further argues that, 'this was chiefly because their co-operation was essential for the successful implementation of the new policy.' As an indication of the keen role of groups in this process where an interest was not represented a group was developed with the direct support of the government department – in this case the establishment of the Federation of Alcoholic Residential Establishments (FARE). As considered in table 6.3., the institutionalisation of this relationship was further developed with the creation of the Advisory Committee on Alcoholism in 1974, which although advisory had a significant level of influence. The membership was relative narrow with representatives exclusively from, 'medicine, the voluntary organisations, the statutory social services, the police and magistrates associations', (Baggott, 1986, p. 477). Their interests were not dissimilar, but they were distinct – the police and the magistrates had to deal with the after-effects of alcohol consumption in the more extreme situations. The medical groups had both the extreme and the regularised consumption issues – whilst for the social services and voluntary sectors it was to an extent the regularised consumption that was the issue. This explains the challenges in achieving consensus – with only one group dedicated to tackling policy that affected both the after-effects of acute consumption and prolonged consumption. The outcome wanted was the reduction in consumption of alcohol that led to problems for these groups – yet the style of consumption created cleavages in desired outcome – so a policy was needed that in effect took on both elements. The lack of presence of producer interests within this community is worth some consideration – the Brewers' Society, British Hotels & Restaurants Association and similar. The effects of their products and any role in responding to the issue may well have affected their interests. Yet in the policies pursued they were apparently, 'broadly in favour of the government's willingness to tackle alcohol misuse in this way', (Baggott, 1986, p. 476). Similar to the earlier examples surrounding drink-driving, an element of outsourcing policy development to an alternative community may have been apparent.

**Table 6.3.: The policy communities surrounding the consideration of policy towards alcoholics compared to the Daugbjerg (1998) typology of policy communities**

Dimension	Policy Communities	1960 – 1970 The Alcoholic & Health
<b>Membership</b>	Very limited number of members. Narrow range of interests represented.	Narrow medical professional membership, but informal in their representation.
<b>Integration</b>	Bargaining and negotiation. Frequent interaction.	Efforts at consultation, but different viewpoints and changing interaction.
<b>Institutionalisation</b>	Consensus on policy principles and procedures to approach policy problems.	Eventually reached a collective viewpoint, but large differences for a sustained period.

The development of a wider consideration on alcoholism throughout the 1960s and 1970s demonstrates that elements of the approach of policy communities put forward by Richardson and Jordan (1979) contained elements of self-fulfilment. When they stated the interests tend to organise around government departments, this approach also suggests that when an interest is spread across government departments' policy development and group engagement become ever more challenging. As policy was assigned to a single environment a small policy community developed, which expanded whilst keeping some of its structure – the consent, co-operation and consultation still mirrored that tighter policy community. It also allowed for some wider policy shifts – with alcoholism being redefined and readdressed. Some interests were deliberately excluded – the producer groups in this case. There was a change in policy tools, but in the wider scheme of things the shift was incremental. This comfort and closeness within the policy community was sustained by mutual goals and a toolbox under their control. They were the delivery agents for the alcoholism policy as well as those developing it. Whilst there was certainly a closeness between the groups Baggott

(1986, p. 471) assesses influence such that, 'in general the professional groups have tended to be more influential but less intense, given their wider interests and concerns, whilst the reverse has been true of the temperance and voluntary organisations.' There was a structure and dominant interests – more points indicating a policy community in action. The evidence for an alternative policy community is obvious by its absence – whether this was from disinterest or that the traditional policy community being a better reflection of the policy development process is unclear. That this changed going forward can be considered in two ways – that the alcohol groups suddenly had an interest or that the medical communities stepped out of their own policy arena and into another. Outside of DHSS's alcoholism community there is only limited evidence of community activities throughout this period. This would hold a traditional policy community approach as being evident, the actions, activities and, in consideration of the Daugbjerg (1998) typology holding to be fairly accurate, as indicated in table 6.3.. It is recognisable that departments responded in a manner consistent with the interests of groups that evidence has previously suggested were organising in communities surrounding them. In this sense the background policy community, accepting incremental changes but rejecting dramatic shifts seems to hold – that one community wanted a more radical vision was tempered by the collective influence of the others for only incremental change in policies that would impact beyond original community boundaries.

## **6.2. The modern development of alcohol strategies**

Towards the end of the Callaghan government in the late 1970s there began a consideration of what would be considered in the 21<sup>st</sup> century to be an alcohol strategy. Moving behind a strategy for alcoholism, and managing those risks, these new stratagems were being prepared to take a new embracing look at alcohol policy – from licensing to price, marketing to treatment. New research was commissioned and new ideas put forward for consideration. In a not unexpected fashion, a general election got in the way and the return of a Conservative government to power affected considerations going forward. This development, its effect on policy communities relating to alcohol policy is of first consideration within this section. Secondly this section will seek to consider the range of attempts to form embracing alcohol strategies under the New Labour government

during its years of power 1997 to 2010. In an era of wider, cross-departmental strategies can we find evidence for policy communities and given the effective departmental battles it should rationally hold that this is a prime environment for adversarial policy communities – can we find evidence of these and consider their role in developing alcohol policy. These early attempts to create a broad strategy compared to the latter more arguably Blairite consensus-led policy movements should offer opportunities to consider whether traditional policy communities can be found, whether they could persist in a changing policy framework or whether the changing framework gave opportunities for the development, or the appearance from the shadows, of alternative policy communities enabled to take a lead in policy development for alcohol.

As indicated in the previous section and chapter 4, producer groups have demonstrated an acceptance of stepping away from a policy community, or at least a core policy community, if they are in general agreement with the policy goal and the proposed policy interventions does not substantially impact on their day to day operations. They disengaged and arguably outsourced policy development to an alternative community rather than focus on a policy area where they have limited necessity to engage. They have also indicated an ability to seek engagement when the balance changes and proposed interventions impact on them in ways they find undesirable. In considering the movement in alcohol strategies and example of this shift began when a new report from the Department of Health & Social Services Advisory Committee on Alcoholism (1977) on the prevention of alcohol harm was published. The primary call of this report was the maintenance of alcohol pricing in line with incomes – to use taxation to make sure alcohol did not become any cheaper, and ideally increased in price. There were further calls on supply and other factors that addressed concerns that for the first time went far beyond the areas of influence for the DHSS. This led to some significant dispute across departments. The neat policy community within the DHSS had suggested a policy solution that affected further communities. Other departments had concerns, but lacked a clear emphasis on the desired outcomes that interlinked these separated policy areas. What did appear was a general acceptance across departments that something more holistic should be considered appearing and coinciding with the end of the Callaghan government. Previous chapters



demonstrated how issues relating to alcohol had surrounded certain government departments – the issue of licensing being intertwined with the Home Office, then Culture, Media & Sport, and back to the Home Office again, with drink-driving linked closely to Transport. In this chapter the development of the health arguments on alcohol and alcoholism is noted with new communities appearing. Beyond this the Treasury affects alcohol price through taxation and other departments have specific interests (trade, agriculture etc.) all of which play a role in wider alcohol policy development. As noted previously Grant (2000, p. 65) argues that, ‘policy communities and networks tend to form around government departments’. The decision to have this policy development in a unit separate from any department would therefore be presumed to have an effect on community structure – with no community in place for policy development and its creation not linked directly to a focused area of interest. The issue of cross-departmental interests’ negotiations reached the point that the Central Policy Review Staff (CPRS) within the Cabinet Office were given the task of investigating policy options that cut across departmental interests. The potential direction of travel was empowered in effect to a limited set of civil servants, with the primary author being Stephen Boys-Smith. The lack of direct ministerial accountability gave greater authority to the CPRS to make recommendations without political considerations, whilst equally limiting its ability to have a champion within the higher echelons of government. At this stage it was notable for almost a lack of a policy community – a new venue was developed for policy development and in establishing a reaction to this the constructive side of a policy community may be considered.

Unlike traditional Government relationships there was less interaction and communication between departments – in effect this was research that for the most part was conducted by two individuals. This also led to a lack of traditional relationships, nothing had any established routes and there was limited engagement with venues that had alternative policy communities. Tellingly the brewing side made a significant attempt to engage – with an invitation to the CPRS team to tour Allied Breweries. This invitation was accepted and then the level of hospitality became apparent. The two civil servants outlined this in a memo, ‘I have checked with one or two other people in Whitehall about our acceptance of

the somewhat lavish hospitality promised for the tour next week. Since they have conducted innumerable similar parties of civil servants around their premises (presumably with a view to influencing those civil servants' perceptions) it seemed sensible to follow the common form on the financial side.' It was later expanded that, 'we may tranquilly enjoy the cuisine of Le Talbooth, the beds in Maison Talbooth and the cross-section of Ind Coope pubs' in the Romford area', (Bridgeman, 1 December 1978). As an indication of an alternative community seeking to assert itself, they were joined on this excursion by representatives from the Brewers' Society, HM Treasury, the Ministry of Agriculture, Food & Fisheries and the Department of Industry (Mills, 21 November 1978). Where meetings had minutes, full letters kept and engagements carefully managed the CPRS team were able to proceed without the standard formalities of a government department. Obviously this created difficulties in analysing the relationships and engagements. Helpfully, after the report had been completed, and a staff change occurring within the CPRS led to a handover note on what to do with the report (including its expected publication) with a list of people who had been helpful in its development to receive an advance copy. These 39 recipients included representatives of the Brewers' Society, the BMA, the Magistrates Association and the National Council on Alcoholism. It also included the Chief Medical Officer, representatives from foreign governments, a range of government departments and many researchers into the effects of alcohol. The decision by the Thatcher government to not publish the CPRS report was despite the difficult political realities. Firstly, it had been commissioned by the previous Labour government, so they knew of its existence and secondly, with a more obvious issue, it had already been published in Sweden when it was leaked by an unknown source. Yet, the line held. One of the major difficulties in this was the differing departmental perspective. The Department of Health, having built up a medical community interested in alcohol, now had an almost wish list of policies that, on apparent independent assessment were likely to produce the outcomes on alcohol which they desired. Take for example taxation – the report suggested that, 'as a minimum, duty levels should be kept in line with the RPI', (Central Policy Review Staff, 1979, p. viii). Baggott (1986, p. 479) summarised the proposals as, 'first, that government should announce a positive commitment to counter the rise in alcohol consumption and problems. Second, that it should use control policies to this end –

in particular drink should not become cheaper and the liquor licensing laws should not be relaxed. Third, that a special government body be established to monitor and co-ordinate policy.' In effect it was an endorsement to expand the sphere of influence of the alcoholism policy community, although it may have been structurally different to the current membership.

This provided an enhanced negotiation position for various Departments when it came to alcohol. The Department of Health tried to push its advantage. In a letter the Health Secretary, Patrick Jenkin, sought to make a point on taxation to the Treasury – he stated, 'A good start could be made now by action to raise the level of taxation and discourage consumption,' (Jenkin, 29 May 1979). Despite an initial response of, 'I will certainly bear what you say in mind,' (Howe, 5 June 1979), the Treasury however would have none of it noting that whilst they, 'refer to possible changes the Chancellor might make in alcohol taxation in his next Budget, and point to the desirability of the social issues, including health and crime, being looked at before decisions are made. I am sure this will be helpful, but I must make it clear that the question of taxation remains a matter for the Chancellor and his Budget judgement,' (Biffen, 12 December 1980). The community surrounding alcohol taxation, and taxation in general, was somewhat different to the medical professionals considering the impacts of alcohol price with the Department of Health. They were, despite apparent evidence in their favour, unable to have a significant influence. This tool being off the table further consideration of the other areas drew out more challenges. Different departmental interests appeared, with their own interests – arguably formed by their own policy communities. The Ministry of Agriculture, Food and Fisheries had a policy of continuous market expansion for alcohol – it was desirable to always sell more and expand the sector which obviously clashed with any consumption limiting policies. This pressure resulted in a limited compromise, with the publication of a new discussion document on alcohol entitled 'Drinking Sensibly', (Department of Health and Social Services, 1981) which focused on intervention and education rather than population level action – incrementally more than previously, but certainly less than the wider policy pitch made by the CPRS. There is evidence that this approach had significant support from producer interest - 'in 1981, for example, the brewing industry co-operated with government in establishing the Alcohol Education and

Research Council,' (Baggott, 1986, p. 481). The interests of the alcohol producers were in many ways directly benefitting from health education and intervention that sought to limit extreme drinking, whilst not interfering with the consumption of the average drinker.

Whilst we can find indications that something close to a policy community existed around alcohol in the Department of Health and Social Services, with the insiders being a combination of interested health groups and professionals such as the British Medical Association and the medical Royal Colleges, they lacked the ability to influence beyond their own delivery capacity. They did not have a role in influencing or managing alcohol production and distribution, they could not enforce licensing or regulation and they did not have the ability to collect or administer taxation. Whilst they came together to consider policy that could lead to desired outcomes, they did not have the membership to be delivery agents for this policy. Other communities may have existed that did have this capacity, however membership of these was not open to these groups that surrounded the Department of Health and Social Services. Therefore the structuring of communities that considered alcohol policy could feasibly be argued to have a significant effect on outcomes. Taking an example of taxation, the Treasury's interests are very different from the DHSS. Income from alcohol consumption exceeds the direct costs of current interventions, therefore any activity that may negatively affect this income would need to be proportionally beneficial – something which was not clear from the evidence. Aligning around Departments where they were comfortable, or indeed invited, had significant limiting effects on the actual outcomes. Comparably those who aligned around influence such as the alcohol producers and retailers, alongside groups such as the Magistrates' Association, whilst not necessarily having a greater understanding of the health research or evidence that the groups such as the BMA had, arguably had a much more substantial effect on the policy outcomes.

From the debates of the early 1980s to the beginning of the New Labour government there were a range of interesting developments. Firstly, was the launch of the Parliamentary Beer Club, latterly the All-Party Parliamentary Beer Group, in 1991. This group was funded by the industry with donations of several

thousand pounds each year that paid for an Honorary Secretary to run the organisation – the individual in question was Robert Humphreys, formerly the Director of Public Relations at Bass plc. This group became a consultee to government alcohol policies, sent a delegation on taxation and licensing, as well as running its own investigations into various areas of alcohol policy. Another unique policy was the expansion of the 'Flavoured Alcohol Beverage' sector. Whilst they had appeared internationally in the 1980s an expansion of, 'the FAB category emerged in the mid-1990s from Australia and Great Britain in the form of "alcopops", a lemon flavoured concoction that could have a malt, wine, or distilled spirit base,' (Mosher & Diane, 2005, p. 327). These were introduced responding to a taxation shift that was intended to create a new category of alcohol in which consumption was more limited due to restricted strength and product size. This policy was rapidly reversed with a significant tax increase in 1996 when the marketing of these products and their consumption did not fulfil prejudged assumptions. They also inspired an increase in self-regulation, 'The Portman Group, funded by alcohol producers, had been set up in 1989 to encourage responsible drinking. But its first code of practice was directly prompted by the alcopop furore in 1996,' (Rohrer & de Castella, 31 July 2013).

Whilst the New Labour government initially proposed a wide reaching alcohol strategy as part of their programme of government in the early stages of their legislative programme (Cm 3852, 1998), this somewhat transformed into a legislative programme of licensing reform. The intense response to this licensing reform from a variety of groups and the national media led to the demand for an alcohol strategy somewhat later with a 2004 publication of the 'Alcohol Harm Reduction Strategy for England', (Prime Minister's Strategy Unit, 2004). Whilst it created a rather unfortunate acronym, it had been preceded by an earlier version in 2003, which was a consultation document. The comparative responses to the final report offer some insight as to the relationships between groups and government. The British Beer & Pub Association (2004) responding to the final report stated that, 'the industry shares the concern of Government and other groups over the misuse of alcohol and certain patterns of drinking such as concentrated excessive drinking. Government have based their new Alcohol Strategy on careful consideration of the evidence and developed policies designed

to tackle these issues decisively and effectively.’ Baggott (2010, p. 140) notes, ‘there was particular unease, expressed by professional and voluntary organisations in the alcohol field, about the partnership role given to an industry body known as the Portman Group,’ of which further comment was noted in the previous chapter on drink-driving. Anderson (2007, p. 1515), who acknowledges his position at the time of this report as being a Policy Advisor to the European Alcohol Policy Alliance, which is a pan-European organisation with members including the Institute of Alcohol Studies and Alcohol Concern, stated that, ‘its industry-friendly approach rather than reducing alcohol-related harm, has not only failed to stem the increasing trends that it inherited but has positively encouraged major increases in harm.’ Plant (2004, p. 905) added that, ‘A postgraduate thesis could be written to document and analyse the differences between the interim report, the final report, and the inconsistencies between different sections of the final document.’

At this stage there was evidence of a close, structured relationship between the major industry participants and Government. The industry groups had seen, for the most part, their preferred policy outcomes post-consultation in both licensing and wider alcohol strategy – a liberalisation of the licensing regime, intervention on the most extreme consumers of alcohol, although no generalised policy to reduce consumption, alongside no major movement on price or taxation. Neither of these policy shifts were incremental – the licensing changes were highly significant whilst the alcohol strategy had at least been framed as a major shift, even if in reality it had been limited. When there was comparatively little shift in alcohol harms and the café culture promised by licensing did not appear more pressure became apparent. This led to the publication of new policy suggestions rather rapidly in 2005 in ‘Drinking responsibly’, (Department for Culture Media and Sport, Home Office, & Office of the Deputy Prime Minister, 2005). These included new policies such as ‘Alcohol Disorder Zones’ that in theory created areas of increased enforcement against alcohol consumption (though only ever used by two authorities). Further measures on enforcement and ‘drinking banning orders’ soon appeared much to the chagrin of the alcohol producer associations. At the same time, the conflicting interests in the medical and new temperance groupings coalesced together to form the ‘Alcohol Health Alliance UK’, a new body to

coordinate the interests of a considerable number of groups. At launch it was stated that, 'the Alcohol Health Alliance UK is a ground-breaking coalition of 24 organisations, including the Institute of Alcohol Studies, and headed by the Royal College of Physicians. Its mission is to reduce alcohol-related health harm which it says continues to spiral', (McNeill, 2008, p. 2). This still did not abate the pressure and in 2007, 'Safe.Sensible.Social', (Department of Health, Home Office, Department for Education and Skills, & Department for Culture Media and Sport, 2007) was published which although retaining its support for working with industry included considerations on putting restrictions on pricing against the alcohol-producer desires. This included potential policies such as removing heavy discounting and upselling whilst also for the first time, formally regulating promotions that would have seen certain noted promotional activity restricted or banned. Indications of the clear direction of travel were most obvious in the Budget 2008, where the 'Alcohol Duty Escalator' was introduced which committed the Government to raise alcohol duty by two per cent above RPI inflation for an initial period of four years (Darling, 2008). Policy was shifting heavily against the interests of alcohol producers and in favour of what was at the start of this chapter considered temperance groups but would now be better analysed as the health groups. Yet once again, an election appeared which had a notable effect on policy development structure and outcomes.

**Table 6.4.: The policy communities surrounding the more modern alcohol strategies compared to the Daugbjerg (1998) typology of policy communities**

<b>Dimension</b>	<b><i>Policy Communities</i></b>	<b>1980s A wider alcohol strategy?</b>	<b>1997 to 2010 Alcohol Harm Reduction Strategies</b>
<b>Membership</b>	Very limited number of members. Narrow range of interests represented.	Evidence of communities around issues with varying memberships.	Effective relationship between industry and government. Attempts to bring in health groups, however

			participation not seen as beneficial.
			Later developments saw a seeming reverse of this position.
<b>Integration</b>	Bargaining and negotiation. Frequent interaction.	Interaction exists in silos around specific issues. Broader interaction is mainly between Departments.	Public consultation, but effectively private negotiations give appearance of higher effectiveness.
<b>Institutionalisation</b>	Consensus on policy principles and procedures to approach policy problems.	Initial work of the CPRS as a vessel to develop policy outside of departments. Later collapsed into Departmental spheres of influence.	Movements of departmental control over the period however improved broader coordination.

The experience of the 1980s alcohol strategy attempts offers notable challenges if the developments are to be explained by the traditional approach of policy communities. As table 6.4. indicates, the arguments and challenges to the CPRS report indicate multiple communities seeking to influence with leadership moving about – the lack of one clear, community in charge consistently and clear indications that challenges existed across all dimensions mean that it is difficult to argue that a traditional policy community is useful as an explanation policy development in this context. The example of Alcohol Harm Reduction Strategies can be seen as a better fit to the traditional policy community approach – table 6.4. indicates that on membership and integration there are elements that show an indication that the traditional policy community approach could apply – yet the flip



in membership and the institutionalised shift of departmental oversight and interest offers compelling evidence that a traditional approach does not sufficiently explain the development of alcohol strategies in these periods.

***Table 6.5.: The policy communities surrounding the 1980s alcohol strategy developments compared to the adapted Daugbjerg typology for adversarial policy communities***

<b><i>Dimension</i></b>	<b><i>Core Policy Community</i></b>	<b>HM Treasury and the Home Office</b>
<b><i>Membership</i></b>	Very limited number of members. Narrow range of interests represented.	Alcohol producers and retailers at the Treasury – with some other agricultural interests, alongside the same alcohol groups with groups such as the Magistrates' Association at the Home Office.
<b><i>Integration</i></b>	Integrated into the dominant body for policy development at any specific point. Bargaining and negotiation. Frequent interaction.	Interaction between them is frequent, coordinated visits to sites and formal meetings. Close working relationship.
<b><i>Institutionalism</i></b>	Consensus on policy principles and procedures to approach policy problems.	Clear consensus on principles that taxation is a Treasury issue and that licensing is a Home Office issue.
<b><i>Dimension</i></b>	<b><i>Alternative Policy Community</i></b>	<b>Department of Health</b>
<b><i>Membership</i></b>	Very limited number of members, mostly different to the core policy community. Narrow, alternative range of interests represented.	Narrow health and medical membership. Interests clash with the core community.

<b><i>Integration</i></b>	Bargaining and negotiation – of an alternative style to the core policy community, potentially including alternative venues. Frequent interaction.	Evidence of interaction, with departments and organisations on the edges of the core community.
<b><i>Institutionalism</i></b>	An alternative consensus on policy principles – with potential use of alternative procedures to approach policy problems.	Beginning of institutional relationships between civil servants and interests.

If an adversarial policy community approach is considered, then many elements indicate the presence of core and alternative policy communities. In the example involving the CPRS in the 1980s then there is a clear alternative policy community, surrounding the Department of Health that seeks to broaden and remove segmentation of alcohol policy. Building from table 6.5. this community has a clear purpose, an alternative venue, is integrated with a limited membership and clear shared principles. In a slight turnaround rather than a single core – there are at least two – as the policy is segmentalised – with the alternative seeking to take both areas in. These two cores effectively had control over taxation/price and availability – the attempts by the Department of Health policy community to take control failed – arguably by being divided they were harder to conquer.

***Table 6.6.: The policy communities surrounding the New Labour Government's Alcohol Harm Reduction Strategies compared to the adapted Daugbjerg typology for adversarial policy communities***

<b><i>Dimension</i></b>	<b><i>Core Policy Community</i></b>	<b><i>Alcohol-Producer and Retailer Focus</i></b>
<b><i>Membership</i></b>	Very limited number of members. Narrow range of interests represented.	Effective relationship between industry and government. Some engagement of health groups but decided not to engage with alcohol groups.

<b><i>Integration</i></b>	Integrated into the dominant body for policy development at any specific point. Bargaining and negotiation. Frequent interaction.	Integrated within departments initially focused on strategy. Public consultation, but effectively private negotiations give appearance of higher effectiveness.
<b><i>Institutionalism</i></b>	Consensus on policy principles and procedures to approach policy problems.	Consensus on need to reduce harm, but without negative impacts on industry. Cultural focus of policy shift.
<b><i>Dimension</i></b>	<b><i>Alternative Policy Community</i></b>	<b><i>Alcohol Health Policy Focus</i></b>
<b><i>Membership</i></b>	Very limited number of members, mostly different to the core policy community. Narrow, alternative range of interests represented.	Narrow health and medical membership. Interests clash with the core community.
<b><i>Integration</i></b>	Bargaining and negotiation – of an alternative style to the core policy community, potentially including alternative venues. Frequent interaction.	Focused around Department of Health, with some engagement with others. Close relationship and membership aligned together.
<b><i>Institutionalism</i></b>	An alternative consensus on policy principles – with potential use of alternative procedures to approach policy problems.	Reduction of harm the priority over industry impacts. Regulatory intervention the focus of policy shift.

The New Labour government's Alcohol Harm Reduction Strategies development, and various iterations, offers multiple opportunities to be explained by the adversarial policy community approach. At first, the dominant departments in development were surrounded by a core community that from the group

perspective was led by alcohol-producers and retailers – whilst there may have been a perception of public engagement the reality was negotiated closed-door settlements. Table 6.6. outlines that both the core and alternative community had features that had close similarities – the major difference occurred with the institutionalism dimension when the fundamental difference being that whilst both wanted harm reduced the core policy community focused on policies that sought to effect the culture of alcohol consumption to reduce harm through softer measures whilst the alternative sought to use regulatory measures to change the culture of alcohol consumption by making certain behaviours illegal – such as promotions or multiple purchase discounting. Arguably the difference was carrot versus stick – those who wanted the carrot had an economic interest, and those who wanted the stick had arguably more altruistic goals – though it is possible to argue they had their own economic interests through changing health provision.

### **6.3. The Public Health Responsibility Deal and the Alcohol Responsibility Network**

Whilst the end of the New Labour period saw a shift in influence towards the alcohol harm groups, rather than producers, policy was still overall on a favourable environment for producers. In a similar way to the Thatcher government's reaction to the CPRS report, how the new Conservative administration responded to the developing policy environment would influence policy networks considerably. This section covers the launch of the Public Health Responsibility Deal and specifically the Responsibility Deal Alcohol Network. This was a new development in terms of network structure for alcohol policy – an attempt to establish a policy community with a clear membership, which whilst not closed would require commitment to agreed outcomes, negotiated settlements and close co-operation. This section seeks to understand how the community developed, whether groups saw value in participation and what affect it had on policy development.

In September 2010 the Department of Health brought together a range of groups to discuss a variety of potential public health measures that could be taken forward on a voluntary basis. There were consultations with various groups and interests, with terms of negotiations established by the Government – although it

was claimed by some alcohol harm groups, all of whom later withdrew from the network, that these terms were instead set by industry (Royal College of Physicians, 2011). The primary areas of negotiation surrounding labelling, education and the number of units of alcohol in the wider market all linked to a primary focus to, 'We will foster a culture of responsible drinking, which will help people to drink within guidelines,' (Department of Health, 2011, p. 13). This new network was to be led by a joint chairmanship from an alcohol producer and an alcohol harm group with a supporting minister assigned to each network. Following some behind the scenes negotiation the Public Health Responsibility Deal (Department of Health, 2011) was launched in March 2011 with various pledges made across food, alcohol, physical activity and health at work. Its launch stated that, 'the strength of the Deal lies in the diversity of organisations that it brings together – public sector, commercial, non-governmental, and academic – to determine things business can do to accelerate the progress towards public health goals,' (Department of Health, 2011, p. 2). Its early optimism on this ambition was already hit at launch – with six groups Alcohol Concern, British Association for the Study of the Liver, British Liver Trust, British Medical Association, Institute of Alcohol Studies, and the Royal College of Physicians all publicly announcing their withdrawal before the networks had even been launched. The headline statement indicated that whilst there were a range of disagreements primary focus was on the fact that, 'the scope of the RDA is currently too limited. It does not tackle issues such as, availability or promotion of alcohol, and focuses on voluntary interventions with no evidence of effectiveness,' (Royal College of Physicians, 2011).

Further issues included that the 'process has prioritised industry views and not considered alternative pledges put forward by the health community. These have included proposed pledges: to not advertise alcohol based on price; to not advertise in cinemas for under-18 films: and to include health warnings on all drinks products,' (Royal College of Physicians, 2011). Whether these are issues of convenience is also arguable with notable comments in their joint press release (Royal College of Physicians, 2011) from the British Association for the Study of the Liver highlighting, 'the priority for the drinks industry is to deliver shareholder value - this basic conflict of interest should preclude them from an influence on

alcohol policy,’ and from the British Liver Trust, ‘At the heart of our decision not to join the initiative is the inherent conflict of interest in the alcohol industry’s involvement in developing alcohol policy, especially when the key policy impacting health – an overall reduction in consumption – is so directly contrary to the alcohol industry’s profit motive.’ That for some groups any network or community with alcohol-producer interests included was not worthy of participation was clear – therefore some groups would by this requirement always remain on the outside.

The Responsibility Deal Alcohol Network launch whilst troubled did lead to a range of voluntary objectives, most of which would be monitored by the Portman Group. The joint Chairmen at launch were Jeremy Beadles of the Wine & Spirit Trade Association and Professor Mark Bellis of the Faculty of Public Health offering the balance that the premise of the deal required. The participation of the Faculty of Public Health was despite their dissatisfaction with the initial pledges, they made clear that, ‘for the moment, FPH intends to remain engaged with the process, where it will continue its efforts to bring evidence to the heart of the debate, challenging industry to take a more responsible attitude to protecting and improving health,’ (Faculty of Public Health, 2011). During this initial period a shift occurred in industry representation with Jeremy Beadles leaving the WSTA and a replacement Chair coming from the Portman Group. The individual, its recently appointed Chief Executive Henry Ashworth, also followed a similar career path to those observed by the early observation of Richardson and Jordan (1979) having come to the Portman Group directly from the civil service – specifically the behavioural insights team that had a significant role working on the PHRD (Pescod, 2012). Regular meetings were had to enhance the pledges, negotiate further and deliver new policy outcomes. Some progress was made with clearer pledges on removing units of alcohol announced with some fanfare as a key outcome of the network’s negotiations. The Health Secretary stated, ‘Cutting alcohol by a billion units will help more people drink sensibly and within the guidelines. This pledge forms a key part of the shared responsibility we will encourage as part of the alcohol strategy,’ (Department of Health, 2012a). A supportive, yet critical quote was also provided by Professor Mark Bellis stating, ‘Making this pledge work is not just about increasing sales of lower alcohol drinks. For real public health benefits, industry must also reduce sales of higher strength products.’

Soon after this pledge Professor Mark Bellis stood down as Co-Chair having completed his agreed term and was replaced by Dr Nick Sheron, a similarly experienced public health representative. There was a clear caveat to Dr Sheron's chairmanship whereby he, 'confirmed his acceptance of the post emphasising that the Responsibility Deal was a parallel process and not a replacement for the Government's evidence-based alcohol strategy with its flagship policy of tackling cheap alcohol through minimum pricing,' (Department of Health, 2012b, p. 1). In effect, this offered an indication that this was not an embracing policy network as had been initially discussed – those who had chosen not to participate had a parallel interest in the areas they had wanted to discuss in relation to pricing with this outside of the scope of the network. Equally there was no reason why participants in the Responsibility Deal Alcohol Network could also not be part of those consultations. Whilst the headline rejection by the six alcohol harm related groups had been taken up considerably by the media major groups such as Cancer Research UK, the National Heart Forum and the Association of Chief Police Officers had remained important participants (Department of Health, 2012b). The Government's reversal on Minimum Unit Pricing, discussed in the previous chapter, led to a major crisis within the network. The Telegraph reported that in response 'A key adviser, Nick Sheron, resigned as co-chair of the Department of Health's alcohol network, which drives efforts to promote responsible drinking, in protest at the decision. Cancer Research UK, the Faculty of Public Health, and the UK Health Forum also formally withdrew from the same government programme, which is part of the department's Responsibility Deal with the industry,' (T. Ross, 2013). In turn other groups followed, leaving only ACPO, Addaction and Mentor UK as the alcohol harm representatives. It was decided at this point that Henry Ashworth would continue on as solo chair. Whilst the network membership appeared to be in turmoil the headline policy intention – the removal of one-billion units of alcohol from the market made progress. In December 2014 the Department of Health (Public and International Health Directorate, 2014) announced that more the one-billion units of alcohol had been removed from the market. Henry Ashworth, wearing his Portman Group hat, advertised the industry's position that this was a success story, stating that, 'This is a fantastic result achieved through the collective efforts of producers, retailers, wholesalers

and pub groups, supported by Government. We have exceeded a voluntary target to remove 1 billion units of alcohol from the UK market by growing a new market for lower alcohol drinks. This is yet more concrete evidence of what can be achieved when government and industry work in partnership, responding to a growing consumer demand for lower alcohol drinks; further proof that our drinking culture is changing,' (Portman Group, 2014). There is some argument over this target with the University of Sheffield (2015) commenting that, 'a closer look at the analyses and data that underpin this headline figure raises questions about how much of the recent changes in alcohol consumption are truly attributable to the pledge,' highlighting the general fall in alcohol consumption in total, rather than shifting of product choice and lowering of ABV which was originally intended to make the pledge. Nevertheless, the Government rejected these criticisms.

**Table 6.7.: The policy communities surrounding the Public Health Responsibility Deal compared to the Daugbjerg (1998) typology of policy communities**

Dimension	<i>Policy Communities</i>	2011-2015
		<b>Public Health Responsibility Deal</b>
<b>Membership</b>	Very limited number of members. Narrow range of interests represented.	Initial wide membership across alcohol-producer groups and those groups with an interest in alcohol harm. Resignation of alcohol harm groups did not cause a disestablishment of the network.
<b>Integration</b>	Bargaining and negotiation.  Frequent interaction.	Agreed terms for interaction created difficulties – price and promotions being limited cause friction and withdrawal. Integration of some, but not all interests – as groups left those who remained successfully moved to this position.
<b>Institutionalisation</b>	Consensus on policy principles and	Completely formal body, within the Government framework, indicative



procedures to approach policy problems.	of clear status within policy development and outcomes.
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The evidence is sufficient to sustain a basic narrative that the Responsibility Deal Alcohol Network is a policy community, designed to follow an ideal-type traditional approach – in effect a system put in place to make an easy analytical tool for research purposes. As indicated by table 6.7., the mix of interests, the close relationship with government and negotiated policies are clear examples. That government had desired a policy community is probably a fair assumption based on the evidence. There were different levels of power but an acceptance of this was clear. It was in the end sustained by a limited set of groups with narrow interests – the rewards of participation were not significant enough to keep a wide range of groups desperate for a seat at the table. The parallel discussions on a wider alcohol strategy also offer complexities that conflict with or support the policy community narrative – dependent on assessment. If this was about activity and policy on alcohol that did not require legislation, then this community was in many ways a successful example – the parallel development was simply of a different area of alcohol policy. Arguably then the lack of participation by alcohol harm groups limited their influence without counter advantages in the legislative alcohol policy negotiations. The Responsibility Deal Alcohol Network looks like a policy community, acted like a policy community yet it is uncertain if it ever really was one – continuity is the question and if it manages to continue, even under a rebranded scheme, then the analysis for a community is clearer – if not then the waters have become even more cloudy. Its design and obvious status also made the attempts to find an alternative within government difficult – this was not a soft policy community, rather a formal institutional device. Therefore, for other departments or venues to form alternative structures would be challenging with an ‘official’ body in place – arguably the attempt to not just design but officially implement a policy community may have removed the approach as a useful device.

#### **6.4. The Scottish model for alcohol policy communities**

From its initial devolution, even under Labour power, Scotland began a different course on alcohol policy. The balance of power within interest group relationships

with Government institutions had not yet been established, which considering in the wider United Kingdom can be analysed back to just after the First World War provides an opportunity for an entirely different institutionalisation. The added feature of the Scottish National Party taking power towards the end of the first decade of the twenty-first century also adds complications, with a demand for uniquely Scottish solutions to policy challenges. This section will seek to understand what style, why and who benefits from each policy community's existence in the Scottish environment, how they have influenced alcohol policy and how alcohol policy has influenced their structure.

The Scottish Labour Executive moved faster than Labour south of the border across the majority of areas that affected alcohol policy. Firstly, they established a new, independent body in 1999 – the Scottish Advisory Committee on Alcohol Misuse. The membership of this was broad – with some trade representatives but a fundamental majority in favour of those representing public health interests MacAskill, Cooke, and Hastings (2001). Notably members from the trade included the Portman Group, the Scottish Licensed Trade Association and Scottish & Newcastle plc. They were on the same group as representatives of local authority education departments, policy chiefs, regional and national alcohol harm groups, GPs and health researchers. This body held evidence sessions, commissioned research from a range of academic sources and made recommendations that had been generally agreed – noting full agreement was not a prerequisite for a recommendation. This effective outsourcing of policy consideration to an external group led on to the publication of the 'Plan for action on alcohol problems', (Scottish Executive, 2002). For comparison, this strategy was ahead of licensing reforms in Scotland, opposite to the process in England and Wales. This strategy was different through its use of milestones; clear targets and the noting of what success would look like – as well as failure. Whilst there was nothing focused on pricing or licensing it would feed into considerations of these areas where devolved authority was available. Following the publication of the new strategy, and some considerable parliamentary discussion, new Scottish Licensing Laws came into force with the Licensing (Scotland) Act 2005. Of specific note was the maintenance of powers within the local licensing boards in terms of hours of trade although more liberalism was introduced. Further, the overprovision assessment

that allowed these licensing boards to reject a new licence if it would cause too many premises to be present in a set locality was maintained. With a key win for alcohol harm groups that unlike for England and Wales, an extra licensing objective calling for 'protecting and improving public health'. In effect, these conditions set Scotland on a different track to the rest of the United Kingdom, although they had always had separate licensing laws that had some of these features. In 2007, ahead of the Scottish Parliamentary elections, the then Scottish Executive published an update on its alcohol strategy – including progress made to date and objectives going forward. Of significant note was a new partnership agreement (Scottish Executive, 2007b) with industry that included the Scotch Whisky Association, the Scottish Licensed Trade Association, the Scottish Beer & Pub Association and the Wine & Spirits Trade Association. This agreement called upon industry to participate in a variety of actions to improve standards, support marketing initiatives and similar positive objectives going forward. The plan was for this to represent three years of progress with an assessment going forward.

The 2007 Scottish elections saw the first SNP government come into power. The nature of relationships, governance styles and ambitions changed. This became apparent with the launch of, 'Changing Scotland's relationship with alcohol: A discussion paper on our strategic approach', (Scottish Government, 2008). These proposals, put forward under then Deputy First Minister and Cabinet Secretary for Health & Wellbeing, Nicola Sturgeon MSP, represented a significant shift in policy – as well as fulfilling the higher end objectives of the alcohol harm groups. From a policy community perspective this called for an expansion in partnership beyond alcohol-producer groups (somewhat ignoring the previous policy development by the Scottish Advisory Committee on Alcohol Misuse for the convenience of making a political point). From the point of policy development, the first objective represented a major shift from all previous alcohol strategies – an ambition to reduce alcohol consumption at the population level using a range of tools available to the Scottish Government. The proposals put forward, many of which became law with the Alcohol etc (Scotland) Act 2010, were in areas which led to conflict with alcohol-producer and retailer groups in direct comparison to the partnership model of the previous Labour administration's strategy. Increasing price, but not using taxation, with a minimum unit price proposed for all alcohol, was put

forward – though this will be more closely discussed in a later chapter. Promotion restrictions were put forward that primarily affected shops and supermarkets, but further measures on the licensed trade were also very clearly suggested. The suggestion to move the age of purchase to 21 for retail was put forward, but instead the power to do this was granted to Licensing Boards, though is yet to be used. Smaller measures were proposed and then acted upon for wine and spirits. A social responsibility fee to apply to certain alcohol retailers as a charge to fund wider research and education initiatives was also put forward, though again remains in development. Proposals for alcohol only checkouts were also put forward though these have been experimented with, as they are still under wider consideration. Despite the comparatively draconian and certainly radical nature of the Scottish policy proposals there was also a great contradiction. At the same time as seeking to decrease the overall alcohol consumption in Scotland the export of Scotch whisky was a very different matter. Indeed, ‘a new £3 million fund to allow Chinese whisky connoisseurs to invest in some of Scotland’s rarest drams has been revealed by First Minister Nicola Sturgeon,’ (Scottish Government, 2015). This is indicative of groups having differing levels of influence around different issues and indeed different departments. The focus of alcohol being near exclusive surrounding the Scottish health department may help explain the situation – without a policy community invested in the Treasury or established relationships with a Home Department those interests which even in the wider UK dominate the Health Department’s alcohol policy community dominate in this case the more powerful body.

The two different parties’ styles of governance offer the opportunity to understand the influence of political changes on policy that a community arrangement cannot combat. Scottish Labour’s initial set-up of policy development saw industry have a significant role, but also a greater voice for alcohol harm groups. This was a negotiated, thought out settlement that was probably more favourable on the alcohol harm groups than the UK policy but had the consent and the co-operation of the wider community. This was very much a structure, observable policy community in the traditional sense. As indicated in table 6.8. it was arguably highly functional and fit for the purpose the Government had set. Alcohol producer groups were also seen as primary delivery agents – understanding that it was

there members who could go beyond and faster than the strategy suggested. It was also consistent, self-renewing and collaborative. Its effectiveness still had questions – progress whilst faster than the wider UK was still incremental – even if the steps were often and continuous. The SNP relationship was very different – clearly policy objectives were favoured, and it seems unlikely, especially with on-going disputes and legal cases, that alcohol-producer groups provided their ready consent for policy implementation. It also indicated a policy community was in existence – a newly designed, potential adversarial community but in some ways more of an exclusive variant of the traditional approach. The secondary policy community was also arguably flawed in its output compared to what would be expected from a policy community. One of the key advantages of policy communities is that the groups have the ability to deliver their members – the failure of some policies and the dispute over others indicates that the SNP missed the challenge of actually delivering a policy rather than just proposing it. When the next chapter considers minimum unit pricing it will allow for greater consideration of these implications.

**Table 6.8.: The policy communities surrounding the Scottish model for alcohol strategy compared to the Daugbjerg (1998) typology of policy communities**

<b>Dimension</b>	<b><i>Policy Communities</i></b>	<b>1999- 2007 The Labour Executive</b>	<b>2007 – 2015 The SNP Government</b>
<b>Membership</b>	Very limited number of members. Narrow range of interests represented.	Diverse range of interests represented in specialist group. Further direct relationship with industry on issues where their ability to implement policy is needed.	Unclear, little evidence of industry participation.

<b>Integration</b>	Bargaining and negotiation. Frequent interaction.	Interaction between them is frequent, coordinated and formal meetings. Published reports for wider consideration.	Efforts at consultation, but legal arguments persist.
<b>Institutionalisation</b>	Consensus on policy principles and procedures to approach policy problems.	Specific, established committee and contractual arrangements.	No evidence of institutional arrangements, some partnerships with specific groups.

The period with the leadership of the Labour Executive saw a generally broad membership of a core policy community with medical and alcohol groups both working together – a consensus and partnership focused approach. Arguably this was a better functioning model of the Responsibility Deal Alcohol Network policy community by design approach. The adversarial approach does not provide any clear guidance on what happened next – in simple terms that there was not a clear alternative; there were no major disputes in the public sphere and no indication of attempts at alternative policy development – table 6.9 does not tell us much.

**Table 6.9.: The policy communities surrounding alcohol policy developments during the Scottish Labour Executive period compared to the adapted Daugbjerg typology for adversarial policy communities**

<b>Dimension</b>	<b>Core Policy Community</b>	<b>Scottish Advisory Committee on Alcohol Misuse</b>
<b>Membership</b>	Very limited number of members. Narrow range of interests represented.	Very broad range of membership.
<b>Integration</b>	Integrated into the dominant body for policy development at any specific point. Bargaining and negotiation. Frequent interaction.	Interaction between them is frequent, coordinated policy development and formal meetings. Close working relationship.
<b>Institutionalism</b>	Consensus on policy principles and procedures to approach policy problems.	Acceptance that some areas out of scope such as pricing and licensing – but full range of options within scope.
<b>Dimension</b>	<b>Alternative Policy Community</b>	<b>Pricing and licensing interests</b>
<b>Membership</b>	Very limited number of members, mostly different to the core policy community. Narrow, alternative range of interests represented.	Unclear.
<b>Integration</b>	Bargaining and negotiation – of an alternative style to the core policy community, potentially including alternative venues. Frequent interaction.	No clear evidence.
<b>Institutionalism</b>	An alternative consensus on policy principles – with	Push on areas such as pricing and licensing.

potential use of alternative  
procedures to approach  
policy problems.

Table 6.10. offers an indication to the level of shift in approach to policy development that happened when the SNP came into power in 2007 – the community split, the focus changed and there were significant power shifts – the groups that had limited but notable influence in the partnership arrangement suddenly were in control – and the prior major participants who had offered concessions were purposefully excluded. The post-shift policy development environment that can be better explained by an adversarial policy community approach is interesting as it was not triggered by the actions of the group or arguably a failure of policy – the prior partnership policy had not had the opportunity to succeed or fail – instead an exogenous factor – in this case a Nicola Sturgeon-led Health Ministry had shaken up the policy community – splitting it in a way not seen in the United Kingdom since the start of the twentieth century.

***Table 6.10.: The policy communities surrounding the SNP policy development on alcohol compared to the adapted Daughbjerg typology for adversarial policy communities***

<b><i>Dimension</i></b>	<b><i>Core Policy Community</i></b>	<b><i>Changing Scotland's relationship with alcohol</i></b>
<b><i>Membership</i></b>	Very limited number of members. Narrow range of interests represented.	Close relationship between the Health Department, alcohol campaign groups and medical groups.
<b><i>Integration</i></b>	Integrated into the dominant body for policy development at any specific point. Bargaining and negotiation. Frequent interaction.	Integrated within departments initially focused on strategy. Public consultation, but effectively private negotiations give appearance of higher effectiveness.
<b><i>Institutionalism</i></b>	Consensus on policy principles and procedures	Consensus on need to reduce harm, reduce overall level of



	to approach policy problems.	alcohol consumption and change the Scottish alcohol sector significantly.
<b><i>Dimension</i></b>	<b><i>Alternative Policy Community</i></b>	<b><i>Alcohol Groups</i></b>
<b><i>Membership</i></b>	Very limited number of members, mostly different to the core policy community. Narrow, alternative range of interests represented.	Producers and retailers, with other economic interests. Mainly former members of the Labour Executive approach.
<b><i>Integration</i></b>	Bargaining and negotiation – of an alternative style to the core policy community, potentially including alternative venues. Frequent interaction.	Venue shoppers – whether consultations, courts or the European level.
<b><i>Institutionalism</i></b>	An alternative consensus on policy principles – with potential use of alternative procedures to approach policy problems.	Recognition of need to reduce alcohol harm but focus on partnership working between government and industry – in line with previous approach.

## 6.5. Conclusion

The history of the all-embracing alcohol strategy is surprisingly long and provides an element of explanation for the more common fragmentation across different venues. The complexity of the policy development, legislative and regulatory requirements indicate that a more general approach is more challenging than actually considering them individual – the sum may actually be less than the parts, even if not, it is a slow and unwieldy process of development as Scotland has demonstrated. To an extent this explains the earlier failures of strategy and the lack of impact from the policies developed in the 1980s and 1990s - detail and practical delivery matter. The medical groups development in how they frame the policy is also important – beginning from a framing surrounding the alcoholic,

moving slowly into whole population interventions, effectively succeeded the temperance movement as that side of the policy debate. The ability to compromise is also notable – the alcohol producers and retailers negotiate – possibly in bad faith on occasion but at least seemingly willingly – by comparison to a more black and white interpretation of what is acceptable or not from the medical groups. This has an effect in influence – that the alcohol sector never willingly leaves the policy negotiations, effectively staying in the conversation, rather than seeking the opportunity to be louder outside has approved to be a significant advantage. There is certainly influence to be felt from the alcohol sector, but part of this is an active attempt to be in the negotiations and an unwillingness to leave even if they are not progressing in a manner they would like. Probably not dominance of policy, but a certain determination in achieving their policy goals.

Looking at the long-term development of wider alcohol strategies it becomes apparent that recognition of the benefits of close participation between groups and government appeared relatively early in the 20<sup>th</sup> century. There was evidence from the early stages that something that had the same elementary nature as a policy community was in existence. This realisation led to close relationships forming that often appear to meet the criteria set by Daugbjerg (1998) for the existence of a traditional policy community throughout the longer term development of alcohol strategies. The cross-departmental reality of alcohol strategy problems also identifies the weaknesses of the arrangement, whilst at the same time providing further evidence of their individual existence. It also provides an, often substantive, narrative for the existence of the adversarial policy communities ready to take a lead when their community would better deliver desired policy outcomes.

The development of policy on alcoholism within the Department of Health shows the way a policy community was created that emphasised the groups with clearer policy, the ability to deliver and coordinate were treated more favourably than others without the same advantages. The attempts by this community to expand their influence into areas previously under the control of other departments saw them get one area of policy as their own – yet without the policy tools to act in the way they would have preferred. The CPRS report showed how an attempt to make

policy separate from these policy communities would lead to different desired outcomes. The reaction to it across the board saw limited progress made on alcohol policy and potentially even a retreat from a potential negotiated settlement. The neat comparisons of this to the New Labour arrangements with their own policy unit demonstrates that a policy community can organise around a department or body as appropriate – if it knows that this is an area where their participation is desired or indeed that they know they should be seeking to influence.

The unexpected interconnected relationship between licensing and alcohol strategy (from the policy community perspective at least) also demonstrates again why a stable policy community is linked to incrementalism – larger changes necessitate external interest and the costs to the alcohol-producer groups were considerable. To an extent the interests were saved by a Conservative government and the Responsibility Deal Alcohol Network – which despite for a sustained period looking like it may not be enough to stop wider alcohol policy shifts – and being seemingly unworthy of participation by alcohol harm groups proved to be the delivery vehicle for the last government when further agendas were dropped. Latter consideration will show how much the pendulum then shifted back to alcohol-producer groups.

Finally, Scotland give us examples to how a policy community can be established which allows for quite considerable policies that are acceptable to all to be developed, whilst also showing how more radical policies can lead to conflict with groups. The comparison between a strong model for a designed policy community and a manner to attempt to redesign, rather than seek a true adversarial policy community, should not be lost. Policy positions and style affect the dominance of a policy community – yet interests that can deliver require some element of representation within a policy community to realistically deliver policy – this in turn may well have an effect on policy outcome if it cannot actually be delivered. The exogenous shock of the SNP entry to the policy development arena also changed not only the dominant policy community it allowed for the creation of a core and alternative – in a way that has comparative features to policy in the UK in the First World War.

Overall there are several indications that observable examples of a traditional policy community can be found in the development of alcohol policies in the 1960s to the 1980s. There is also an example of this in Scotland with challenging the success of adversarial policy communities. Even in the earliest examples in the First World War wider evidence for the potential development of adversarial policy communities can be found, alongside in the 1980s, the Blair government years and the Public Health Responsibility Deal. This trend offers an insight that traditional policy communities are generally more observable and attempting to change them by design, rather than find an alternative existing structure that shares the common policy purpose creates issues for policy development that a more fluid adversarial arena does not – the evolution of a policy community and the movement of authority between the most suitable or adaptive within communities has significant advantages and strengths.

## **Chapter 7**

### **Conclusion**

#### **Alcohol, policy communities and policy networks**

Alcohol is an arena of policy that has long-term social, cultural and economic impacts, alongside a clear evidence base of concern regarding public health. It has almost a split perception of being part of our social fabric, especially in times of national celebration, alongside a history as a social ill that has seen movements against it that have lasted centuries. UK alcohol policy, we are often told is dominated by the alcohol industry. This argument is most clearly found in the works of Holden and Hawkins, alongside McCambridge, who had described the governance of UK alcohol policy as, in effect, a closed policy community premised on a privileged relationship between representatives of the alcohol industry and government representatives (Hawkins et al. (2012); Holden and Hawkins (2013); McCambridge et al. (2014); and Hawkins and Holden (2014)). They ask whether the alcohol should, 'enjoy the same (or greater) level of influence on the policy-making process as practitioners and experts within a given field', (Hawkins & Holden, 2014, p. 68). In this interpretation the apparent lack of access from the public health community to these networks where policy is decided is a negative and the benefits of access of the industry is substantial. It was also noted that Greenaway (2011) had challenged this understanding, highlighting the context of policy definition being just as important in understanding policy development, as the policy outcome or content is itself. By considering three clearly distinct case studies, alongside attempts at a broad-brush alcohol strategy, the examination of both the policy framing and outcomes has offered the opportunity to consider both the questions of dominance and framing.

It is in seeking to understand whether the influence of alcohol groups was so overwhelming that it is an explanatory device for what the public health community has termed as poor or ineffective policy, that this thesis has found evidence of complexity that demonstrates there may have been a position of privilege but it came at a price, alongside occasions when this privilege evaporated as policy objectives shifted beyond the scope of what the alcohol groups could deliver. In this it has offered evidence that helps understand both alcohol policy

and policy communities in more depth. The focus on both individual areas of alcohol policy alongside considerations at attempts made at wider alcohol strategies has demonstrated that there is not a single policy community or indeed a series of homogenous policy communities for alcohol policy. There are demonstrations that the comparison of the traditional and adversarial policy communities approach has facilitated an understanding of the British typology of governance in a very challenging policy arena, offering opportunities for the further development of this approach. This is most evident in the competitive nature from multiple policy communities being identifiable with variable memberships and policy objectives. As will be discussed further, there are lessons for alcohol and there are lessons for policy communities, which have proved a valuable and insightful tool in seeking to understand the development of UK alcohol policy, across distinct areas and as a collective or wider policy.

The thesis has seen alcohol prove to be a case study with a combination of intricacies and broad elements that do not fit a simple narrative. Despite the separation of policy communities, there is an element of countervailing power within alcohol policy that could be identified from the licensing reforms – that when liberalisation of one element occurs, there will be a broader reaction and impact on different policy areas, and different policy communities. In what is an effect very much like a speedboat passing through a race of people on small boats, it takes a time for the stability and flow to return that allows for the normal conditions – and in many cases those boats that had previously been moving quite nicely may have capsized, lost an oar or indeed find their position occupied by something that has floated in to their prime position.

In seeking to understand the governance of alcohol policy and gain the opportunity to answer Dahl's (1961) question 'who governs', the examination of both the traditional Richardson and Jordan (1979) policy community, alongside the rethought adversarial policy community of Dudley and Richardson (1996), both gave a vehicle to understand the framing, development and outcome of policy, whilst seeking to re-examine a potential British typology for group politics, which had often been marginalised into a smaller, conservative and static feature of policy network typology such as its consideration within the typologies such as

Marsh and Rhodes (1992a) with their seven-step spectrum or the broader matrix that began to appear in Rhodes (1997). Combining an analysis of alcohol policy, using the examples of major development points – or notable intervention attempts that did not arrive into policy – this thesis has shown the complexity of alcohol policy, the moments that showed there was still validity to the traditional policy community approach and how the adversarial policy community approach has proved to be an improved, though imperfect tool for understanding the governance of alcohol policy. In attempting to understand the influence of groups, the development of policy and the structure of governance – this work has shown that whilst perceptions of influence have a high element of truth, they alone do not explain policy development and that the influence itself is given by the context of a policy when brought forward for consideration alongside the practical concerns of implementation. It is argued that a better interpretation of the governance and development of alcohol policy can be understood within an adversarial policy community – contrasting with the closed environment that Holden and Hawkins suggest. Whilst offering a contrast in policy outcomes, Scotland, it can be considered, reaffirms the adversarial policy community approach, and can be explained by the way relationships develop, linked to the desired policy impacts – whilst also explaining the prior role of what Dudley and Richardson (1996) would consider the core community.

#### *Breaking down the development of alcohol policy*

In the 20<sup>th</sup> and since the beginning of the 21<sup>st</sup> century alcohol has remained in the public discourse but had only discrete moments of real policy development. In general, these have focused on one element of alcohol policy, a sub-policy environment that has allowed consideration of each element. When there have been times of policy change that were broader, or linked, this has allowed for further comparative analysis. When considering these elements as a whole, it allows for a historical policy focused narrative of the development of alcohol policy, one that does not fit with simple narratives of powerful interests dominating the agenda – whilst also questioning what power is. It does show that the alcohol-producers and retailers have played a long-term role in alcohol policy. It does not show they alone decide the policy that affects them directly. This

chapter considers some of these key findings for alcohol policy from the case studies and offer a viewpoint on the historical policy narrative.

Literature on alcohol is focused most notably on the negative effects of inappropriate consumption of alcohol. Alcohol was, and remains, a highly regulated product with potentially serious negative connotations. In terms of policy the literature often takes an opinion on the participants, based on an outcomes-focused interpretation, rather than looking more closely at participants' ability to actually deliver policy. This chapter will also consider whether there is scope for a wider scope in analysing the agency of participants in the development of alcohol policy.

#### *A window of observation*

Whilst alcohol is a multi-faceted case study, this chapter looks to understand what can be learnt for the window from which it was viewed – policy communities. Since Richardson and Jordan (1979) first considered their approach of policy communities it has certainly not been without criticism, development or reinterpretation. Its original rigidity may have led to the comparative casting aside of the entire policy community approach, something which this thesis argued begins to be addressed by Dudley and Richardson (1996). They considered adversarial policy communities as either an enhanced or alternative approach – made from their core community and what can be best considered as alternative communities rather than limit the variables considered within the original approach, an interpretation that can be found within the Marsh and Rhodes (1992a) policy network typology.

Alcohol is a controversial topic. It could be considered as something accepted as being part of society, but the prevailing assumption is that its consumption is not necessarily a societal benefit – so it should be limited or restricted. In this context considering alcohol policy as Holden and Hawkins have done is clearly compelling – poor policy must have a root cause and in their analysis caused by alcohol having the, 'same (or greater) level of influence on the policy-making process as practitioners and experts within a given field', (Hawkins & Holden, 2014, p. 68). This work has offered evidence that this interpretation which focuses



on policy outcomes and a presumed closed community does not comprehensively explain the governance or development of alcohol policy. Instead this thesis has found there is competition for policy development and there is competition between policy communities. This chapter will seek to understand what can be learnt within the literature for both policy communities and policy networks more widely from the evidence of alcohol policy development in the United Kingdom.

### **7.1. Alcohol case studies – consideration of policy communities**

In using four key policy areas of focus and seeking to find case studies of policy development has offered a range of information and evidence that documents the changing policy environment for alcohol. The first of these – licensing reform – has probably the most applicably similar examples of the reforms of the 1960s and the early 21<sup>st</sup> century. The second, drink-driving, offers slightly more examples but also a greater level of public concern and an area when alcohol-producers' interests are more variable, as well as being less clear. The third case study considers the attempted interventions made on the price of alcohol – which have interestingly varied from price limitation to minimum pricing. A broader policy position is offered in the final example – the attempts for a comprehensive alcohol policy that have been made since the 1970s. These case studies give a broadened understanding of the competition between policy communities across government departments and other venues – as departments, inquiries or other bodies have responsibility either for tools of policy intervention or desires for policy outcomes they can either compete or collaborate in developing desirable policy outcomes. All of these offer findings that are worthy of consideration and offer a considered analysis of the development of alcohol policy and the policy communities that existed, exist and could yet play a role in policy development.

#### *Licensing reform*

The two case studies of licensing reform in the early 1960s and the early 21<sup>st</sup> century offered an environment that could directly compare two similar periods of policy reform, their policy communities and outcomes. Chapter 3 considered how the ability to compare between these two moments of major reform was made easier by the incrementalism and stability in periods both before the earlier act and between the two periods. The fundamental elements of both periods – both

being major comparative liberalisation of the entire licensing system for alcohol sales demonstrated both the changes in methods of policy development and the continuity throughout. Whilst there is clear evidence that alcohol-producer groups were very much involved in the new policy development, in both cases the instigation began with a new policy direction from government. Whilst there was negotiation on the detail and potentially relationships that benefitted those groups, there was evidence public, democratic consent that began the process.

In the first scenario in the 1960s this consent was broad, with both parties in general favour. It was a two-stage solution – the Licensing Act 1960 effectively tidying up all the relatively uncontroversial issues with the Licensing Act 1964 adding the shift in licensing regimes that had more disagreement. This was a tight policy community, with the major participants being alcohol-producers, focused on detail and delivery – close to the public servants delivering the policy and in regular communication. Whilst these reforms were certainly a major liberalisation of what was previously a very stringent system of alcohol sales, in the modern context they were marginal – and the beneficiaries could arguably be challenged to be amongst the more middle class elements of society – with lunchtime wine service and city venues opened up later highlighted heavily. The reaction to the reforms was also comparatively muted – there was no swing back of new alcohol regulations or a renewed focus on alcohol by other participants that appears in other examples. There appeared to be no clear alternative or adversarial community – this seemed to fit a very traditional policy community approach. The second example, the reforms of the early 21<sup>st</sup> century, offers a somewhat different setting. Whilst again a period of great liberalisation, and a manifesto commitment from the Labour party apparent offering evidence of democratic consent, there were major differences that permitted the breaking of incrementalism and the status quo. Firstly, there is a very clear example of an alternative policy community taking over – from the Home Office to the Department for Culture, Media & Sport. The new, or alternative, policy community had participants in it who were willing to deliver the policy. For instance, the Magistrates' Association, who were not a keen participant in the reforms were replaced with the Local Government Association. The move to DCMS also meant that those with the traditional responsibility for enforcement were no longer part of the policy

community – now Councils were the enforcer and the judge. What is clear is that there was a fightback - even in the traditional Home Office-based policy community. An adversarial community environment could be identified, as power shifted.

This example appears to have found a strong case study for the Richardson and Jordan (1979) traditional policy community in the Licensing Act 1964 considerations – with clear evidence to identify a policy community – with elements that argue for the Holden and Hawkins typology of the sector. The second example however, demonstrated that different actors, excluded from one policy community would, if an interest remained, seek to be part of an alternative policy community, maybe one that had no influence immediately – but would be willing to take on influence at any point – which they did in the Licensing Act 2003. That certain groups were members of multiple policy communities is also of interest – effectively playing all sides, or at least multiple sides in an argument. They also indicate that the difficulty in finding them may be directly related to their quietness – ready to appear but in many cases only when opportunity presents itself – an adversarial environment but one that is not initially apparent. It is also possible that this adversary may have appeared in the first example if an opportunity had presented itself. In effect, there is an evidence of a traditional policy community and an adversarial policy community environment – with the evidence of the first not eliminating the case for the second.

### *Drink-driving*

Drink-driving, or driving under the influence, presented a different and more challenging scenario than licensing, which was considered in Chapter 4. The negative effects are clear, there are theoretically easy ways to stop the issue and no participant wished to be the voice in favour of the practice. The first instance of real intervention on this issue took place shortly after the licensing reforms in the 1960s – where the policy community surrounding licensing specifically and deliberately sought to separate the issue from its key work. Unlike licensing, or price, this was a policy area that was almost created by design and it could be considered in comparison to examples of the development of regional policy communities. The initial policy community centred on the Department of

Transport with some participation from alcohol-producers, who at that stage were the major retailers as well, a specific representative from the accident reduction area alongside the core interests of motoring groups, alongside those with medical interests also present. This led to what was known as the Marples Act in the early 1960s which brought in some limited policies that did not dramatically change the effective policy – although following the election of 1964 saw a shift in control a new Act became more likely with more wide-ranging impact. This saw a shift in dynamic with one of the major participants (Royal Society for the Prevention of Accidents) changing their position due to membership pressure and became supportive of more significant change. This led to the first compromise on the implementation of a drink-driving limit – which was set at 80mg per 100ml of blood. This was an example of a developed policy community, bringing in expertise from other groups on an area deemed almost ‘too hard’ or politically difficult by the licensing policy community. Alcohol groups were on the outskirts and it was motoring groups at the core. Whether this was an adversarial or sub-community is slightly unclear – at the very least the previously dominant group had outsourced the issue.

The concern surrounding this area reappeared and to an extent they were again outsourced this time to a separate research group which went on to produce the Blennerhassett et al. (1976) report. This report made a range of recommendations, some of which reflected the improvements in technology, and some of which brought in greater recommendations on promotion of anti-drink-driving messaging. The alcohol groups also progressively showed more interest – being in favour of greater investigation and punishment, but against a reduction in the limit – which they argued would criminalise anyone who had a single drink. The reaction was a continued outsourcing, almost movement to the long grass, of this difficult area continued with the two North Reports on drink-driving in the 1990s and early 21<sup>st</sup> century. The final review clearly recommended a reduction in the drink-driving limit to 50mg per 100ml of blood and increased penalties. It was welcomed by the membership of the policy community who had formulated the original policy and managed the policy arena since that point. That it did not happen could be a demonstration of the parent, or core, policy community that surrounded licensing more widely, effectively sweeping in and coming up with an

alternative incremental alternative. That Scotland, lacking this established adversary or parent, decided to lower its limit offers a demonstration that the comparative lack of established relationships and the choice of policy community by design created a very different policy outcome – it also led to practical concerns and elements that have created difficulties for enforcement in Scotland.

The drink-driving case study indicated that whilst there is an alternative policy community, whether they are adversarial in the standard interpretation of the word is slightly unclear. An alternative community can be useful to the core – however when this proves not to be the case, the reassertion of influence and control is notable. That Scotland went in a different path makes a clearer case for an adversarial environment in the traditional sense, with desired policy direction also a key factor.

#### *Price and taxation*

There have been multiple attempts to influence the price of alcohol in British political history (Chapter 5), whilst the modern focus has been on raising price, this has not always been the political desire. The attempt by the Department for Economic Affairs to combat increasing prices of alcohol in the 1960s demonstrates that alcohol is both an article with negative side effects and positive political elements. When these new participant departments tried to have influence, and the established communities sought to resist this change, there was evidence of an adversarial community even if it was unsuccessful in taking the place of the incumbent. Whilst defeated, alternative attempts to influence were found – for example when the Department for Economic Affairs managed to refer the issue of beer price to the National Board for Prices and Incomes, even if this failed. The close relationships of the incumbent policy community, with considerable continuity, proved influential in developing final policy, even if interim battles saw them defeated or alternatives given an airing. The attempts of the medical and health policy groups to bear new influence following recommendations on policy made outside of the community, demonstrated the strength of the existing policy communities and their ability to show resilience, as well as hold their place - alongside the evidence of civil servants as advocates of policy community interests. With the establishment of the Alcohol Duty Escalator it was also apparent that

whilst the incumbent policy communities were influential within their policy arena, they had little influence when their arena was of less political significance than other priorities. In rebuilding the policy community, or at least restoring the original policy community membership to influence, it also saw changing partnerships and new access levels for different alcohol-producer groups.

The UK Government's rapid shift to Minimum Unit Pricing and then away again, also demonstrated how policy developed outside of the incumbent community could be influential. Once again, the re-establishment of control with the communities led to a policy more incremental and acceptable to alcohol-producer groups implemented. It also contrasts with Scotland where a very different policy community in a position of influence, led to different policy challenges. The acknowledgement by industry groups that insufficient efforts had been put in to making these relationships is indicative that the UK model is one of considerable continuity, one that was developed by history rather than designed by political choice. It also demonstrated that the lack of engagement of groups that had responsibility for policy implementation would lead to considerable problems for enacting policy. Incumbency was often there as the advantages outweighed political inflexibility in general. Using various policy examples regarding alcohol price demonstrates potentially influential policy communities with alcohol-producers at their core, anchoring policy in both preferable and deliverable chunks – in isolation an observable traditional policy community style. It also demonstrates that they are not all-powerful and can be overcome when political will is considerable. Their engagement leads to a more workable policy, which on a practical basis is desirable. The various iterations of pricing policy have affected the policy communities and it is indicative that there was an adversarial policy community environment that affected iterations of pricing policy. This symbiotic relationship of policy communities, examples of which seem to exist, are indicative of policy communities, of an adversarial nature, being important for the development of alcohol policy.

#### *A comprehensive strategy?*

In Chapter 6 it was considered that whilst on licensing, drink-driving and price there are demonstrations of links and separation between policy communities

across the topics, there have been multiple attempts throughout history to create a comprehensive, all-embracing policy settlement for alcohol. From the scope of the elements of this thesis, the first clear case study surrounds the First World War and a designed policy community – with deliberate exclusion, close relationships and regular interaction. Whilst the focus was on temperance and the evils of alcohol, with some interesting elements such as the Carlisle experiment, this initiative in many ways ran out of steam with limited progress – there was compromise, but not on a significant enough scale to deliver any notable outcomes. The follow-up settlement with a more extreme temperance position could be argued to be the end outcome for that movement, but lasted only a few decades before a more liberal, regulated system was formed. What is notable from this period is the beginning of the relationships between alcohol-producer/retailer groups and government departments with the importance of delivery becoming more paramount and the staging post for incrementalism. As noted, this was effectively the end for the leading role of the temperance movement in the debate over alcohol, but the beginning for the role of medical groups. The debate around the ‘alcoholic’ in comparison to a wider alcohol issue represented a limit as to where medical groups, and their policy community surrounding the Department of Health, had near complete autonomy. This remained until the policy community expanded its interpretation from it being an individual to a societal issue – at which point they were not the prime policy community for debate. This tension of elements being outsourced, as found with drink-driving, but only within a limited, specified context could be considered apparent once again.

Another example of outsourcing of policy development took place at the end of the 1970s and beginning of the 1980s. The Central Policy Review Staff (CPRS) were tasked with considering the issue of the negative side effects of alcohol in the whole. This was arguably the first attempt for a truly comprehensive model for reducing alcohol harm by looking at all policy areas. It was also a highly convenient way to once again deflect a major issue at a politically opportune time – in this occasion at the eve of the 1979 General Election. This also allowed for observation of competing policy communities that shared many characteristics with the Dudley and Richardson (1996) approach of adversarial policy communities. The report, which was leaked, recommended broad actions and policy direction that would

even now be considered radical. A commitment to increasing price, advertising restrictions and new messaging designed to stimulate significant reductions in alcohol harm. An emboldened policy community surrounding the Department of Health, previously seen under development in the alcoholic considerations, sought to take authority and lead on the issue. Policy was developed for implementation, discussions and meetings were had – letters were written, and the community began to act as if it was the prime vehicle for policy delivery. There was a snapback and reassertion of primary authority by the initial policy communities – the most forceful from the alcohol policy community that worked around the Treasury, which had developed policy focused on price and taxation. This snapping back of control and influence, from one policy community to another, as well as the earlier attempt to wrestle control away offers useful indications for an adversarial policy community environment. The next attempts follow the Alcohol Harm Reduction Strategies at the end of the New Labour period that saw some rotation around Government departments in a way similar to the snapback seen in the 1980s. The major difference at this stage was the increased organisation of the medical representatives into a more campaigning orientated role with a greater public communication element. Despite this the outcome was similar – moderate at best change, headline by the incrementalism synonymous with a policy community approach.

The change in government at the 2010 general election once again shook up the desired policy outcomes, not dramatically, but certainly demanded a change in the perceptions of policy outcomes as being more broadly based. The Public Health Responsibility Deal was almost an attempt at policy community by design – representatives of the key interests invited in, close relationships and negotiated outcomes. When the alcohol-led interests, depending on viewpoint, either enforced limited discussion or maintained discussion based on only the agreed terms of reference the medical or health-focused groups gradually left the community and then moved outside. That for a sustained period this community, despite these unintended exclusions, retained policy influence demonstrated the usefulness of a policy community as a tool to develop, and deliver, policy. Further, that it seemed responsibility was returned to this core community, indicates the usefulness of the



policy community approach and that whilst the environment may be adversarial, it is not an argument amongst equal participants.

## **7.2. Who governs alcohol policy?**

Who governs? Alcohol policy has been a useful case study to consider the development of policy, the decisions made and the direction taken. Whilst there is no consistent or single alcohol policy community and they vary considerably in scale, influence and regularity across all issues there is strong evidence for some form of hybrid policy development process across government and groups. Whether this is the discounting of the public voice or interest is worthy of consideration – the outcomes are often beyond their scope of consideration, their ability to have a direct say and could be considered outside representative democracy. Yet we have seen clear examples, in Chapter 3 with both licensing examples, in Chapter 5 with example of minimum unit pricing of alcohol how democratic influence, through manifesto policy commitments, is then developed from a few lines into practical implementation by consultation with a policy community. Arguably these policy communities are tools for effective implementation of policy direction set from the public, taking expert advice and consulting those who will implement policy.

At the same time there are certain policy communities that have a larger influence than others, have the capacity both to outsource policy development and recall it as the policy environment changes. How can tools of the public be able to control other tools? This offers questions without clear answers. These levels of engagement by policy communities and influence have developed over the longer term – with history demonstrating alcohol-producers and retailers leading engagement in the policy community surrounding licensing date back to the late 1950s – but at the same time a medical alcohol policy community surrounding the Department of Health dating back to the same period. These relationships are long-term, closed, consistent and coordinated. This does not fit the narrative of democratic influence.

They have clear examples of many of the features and elements that Daugbjerg (1998) would consider being key typological elements for the traditional approach

of policy communities found in Richardson and Jordan (1979) and their first construct. There are two policy communities, with some shared membership but not consistent, who desire to influence the same area offers evidence for the Dudley and Richardson (1996) adversarial policy community approach. This offers a greater opportunity to consider whether policy communities exist as a feature of British democracy that enhances policy development, improves policy implementation and has the flexibility to act appropriately – or be replaced by a community that can.

Whether we consider either a traditional or adversarial approach it is clear that incrementalism tends to be the outcome of consistent, more closed networks that can be considered as policy communities and also a tool for making sure that a policy community is maintained. Radical change leads to disruption of the policy community – as demonstrated most notably from the licensing reforms of the 21<sup>st</sup> century causing ruptures for alcohol policy that have still not healed. The policy community structure and membership does have an effect on policy outcomes, often directing policy towards the preferred interests of its membership, but often will not select a policy area for development with political manifestoes often being the motivation – demonstrating that this is not an environment absent from democratic influence instead turning political objectives into actual policy – for the most part, but not without challenge. The department that has managed to own the policy area also affects it – this is often a direct influence on the membership of a policy community, which will affect its institutional position, and the community's comparative membership influence. There is also a direct correlation between departmental ownership and outcomes – when Health has greater influence measures that have more of an economic impact will be more likely, when Treasury there are more likely to be economic motivations. Beyond the obvious on licensing the movement of influence from the Home Office to Culture and then back again, also demonstrates that it is not only policy communities that are adversarial – and that larger politics may play a role outside of the influence of an individual policy community.

Scotland remains an important counterbalance to the historic development of alcohol policy communities in the wider UK context. The creation of these

communities by design, without the long-term development of relationships has demonstrated both the strengths and weaknesses of the policy community style of policy delivery. This could be argued as institutional interests, in this case alcohol, limiting change and having undue influence. It could also be counter-argued that trusted partners concerns receive a larger and legitimate hearing in a traditional approach – with a more holistic policy in the round approach being addressed.

### **7.3. Alcohol policy – lessons for products with public health concerns**

This has indicated that alcohol policy is multifaceted, crosses government departments and has moved at a variable pace. This complexity has offered a challenge to frame in a simple device, whilst also highlighting opportunities to consider the varieties of interactions in a condensed, spotlighted environment. They have shown that whilst policy communities within alcohol policy do not operate in isolation, they are neither fluid nor necessarily linked environments – but the effect they have on each other is notable – a ripple effect that has an impact.

The major question that remains for alcohol policy is that, for all the changes in habits, licensing and laws, how it has remained such a prominent feature of British culture. Whilst there may be now less alcohol consumed than at peak levels (Sheen, 2014) and that decline has been ongoing for over a decade, the negative side effects seem to be as prominently analysed as ever. Cairney (2007) considered why the policy on, and image of, tobacco has shifted so considerably. There is an argument that the end of industry dominance of the policy arena, or indeed the policy community, led to this change. The tobacco sector was also demonised, for misrepresenting research or discounting information that showed links to public health emergencies. This status, and legal cases, removed it from the negotiation table – there was no mutual acceptance of decisions and no ability for compromise. Following this line of thought, it would be assumed that alcohol interests continue to dominate. Recent work by Petticrew, Hessari, Knai, and Weiderpass (2018) effectively makes this argument. They go further to highlight this perceived stylistic similarities to tobacco, ‘This study shows that the AI (*alcohol industry*) uses similar tactics to the tobacco industry, to the same ends: to protect its profits,

to the detriment of public health,' (Petticrew et al., 2018, p. 301). They also target the formed networks of professionals, such as elements of the Public Health Responsibility Deal, 'Finally, some public health bodies, academics and practitioners liaise with the industry bodies included in this study, for example by acting as advisors or trustees, or by collaborating with them in implementation activities. Despite their undoubtedly good intentions, we suggest that it is unethical for them to lend their expertise and legitimacy to industry campaigns which mislead the public about alcohol-related harms.'

This work does find that alcohol interests are prominent, that they are often the key participants, such as the role of the Treasury in pricing. They also outsource some areas of policy where they do not desire to be closely involved – such as drink-driving. They can be challenged by developing adversarial policy communities, such as the increasing attempts at influence by the policy community surrounding the Department of Health. They can also be removed from influence when what was considered an adversarial policy community takes control, such as when minimum unit pricing became a consideration. What is clearer is that unlike tobacco the alcohol sector has, or at the very least had, a greater interest and responsibility in the sale and consumption of their product through their retail arms. Whilst for those who suffer from alcoholism, the negative side effects of alcohol are individual, the general negative effects are experienced by a wider community – so a community level intervention may be appropriate – licensing and taxation being examples. When it came to areas of a specific individual focus – on drink-driving for example – this was more technically led. The alcoholic is an interesting phenomenon that plays a major part in the development of alcohol policy – from early points when the disease was the focus of medical attention, to the narrative on what could be very simply referred to as 'a few problem drinkers', there is a perception that any one individual has the ability or option to not be a problem.

The research indicates that alcohol has many differences from other highly regulated products and is contextually different from, for example, tobacco. There is the potential that this indication is due to case study selection, with those chosen likely to be those where the alcohol industry itself has the most focus, so the most

unique context. The studies themselves are comparable to other products – availability, pricing and wider strategy, alongside the somewhat unique example of drink-driving so there is general comparability of issues if not the product. Yet the developments have also been distinct to the policy area, showing how influence has fluctuated, with the policy solutions developed unique to the case studies – also showing that there has been limited policy transfer to alcohol from other areas. To argue for or against alcohol sector influence by using narratives found in tobacco, or to indicate that the industry role is inappropriate on this basis, does not take into account the sophisticated reality of alcohol policy development. Clearly the alcohol industry is an influential participant in policy development, but it is not as dominant as it can be initially perceived. It can be argued that the arguments made, the tactics used and the success in shifting policy on tobacco could be tools in explaining the lack of satisfaction from public health groups with the direction of policy on alcohol. That tobacco is still facing further restrictions on labelling and placement shows this is a continuing policy argument, yet the desired policy restrictions wanted for alcohol can also find their intellectual beginnings in the tobacco policy arena. Policy transfer is desired from a different arena, and the lack of transfer is concluded to be due to industry dominance being retained in alcohol policy. Whether tobacco policy development and the movement of influence from industry towards the public health groups is in effect the gateway for both the current pressure on, and interpretation of, alcohol policy is worthy of further investigation. The pressure the food and drink sector now faces on sugar, with similar requests being made on this area that were once made on tobacco, although clearly at a faster, or escalated, pace demonstrates that policy development styles can shift – is this new policy community, found potentially around Public Health England, now seeking to be an adversary to the existing alcohol and sugar policy communities? Whilst elements can be seen in the early twenty-first century for alcohol, there is clear evidence of the tobacco sector groups working in concert (Cairney, 2007), however alcohol groups have shown to be very much more divided and contentious – there were mixed interests. Given that it was demonstrated in this thesis that there are greater complexities to alcohol than is perceived at first sight, more research is needed to consider a comprehensive answer. Alcohol has a different organisation of groups, different desired outcomes and more complex impacts – is there less success for the public

health sector on alcohol simply because they misunderstand its structure, impact and interests?

#### **7.4. Policy communities and network literature**

Throughout the study of alcohol, there have been numerous features and elements that have offered insight into the potential existence of a policy community. Similar to how Grant (2005a) sought to bring policy communities back in, this work has demonstrated that in focusing on a key element of policy development, where it is focused within a government department, the approach of Richardson and Jordan (1979), amended in Jordan and Richardson (1983), still holds relevance. Whilst external influences can disrupt or even change a policy community, there is an almost an elasticity to returning back to this approach. That this focus was on issues where delivery was challenging and outside of the direct influence of government is also of note. It is also notable that the gaps that were found in the policy community typology by Marsh and Rhodes (1992a) and later updated at various points in an iterative fashion could be considered in an alternative manner with reference to Dudley and Richardson (1996) in their adversarial policy community approach.

Alcohol has proved an insightful vehicle to consider group politics and the influence of policy communities. An area of both modern and historical intrigue with a combination of divisions amongst groups, it has proved that the course of influence has changed, that even within a policy community style environment that shifting objectives can shift a community and that the delivery of policy is a continually influential factor – eventually a policy community settles with those who can deliver the policy even if there is resistance or challenge. The study specifically of flashpoints of policy development within the arena of alcohol has allowed for a clear focus on the essential elements of policy communities, whilst acknowledging the blurring necessary from the earlier attempts to set a rigid model of a policy community. If a policy community appears impenetrable, interests that are separate or alternative will build alternative relationships which whilst not necessarily being an alpha or leading policy community are ready to take that role if opportunity arrives. The four focuses – licensing, drink-driving, alcohol strategies and pricing – provided evidence that an approach like a policy

community has existed within the development of alcohol policy. The use of Scotland as a different regional policy community also added extra contrast to this phenomenon. They also highlighted the imperfections within the hypothetical structure from Richardson and Jordan (1979) – there exist very few perfect types, despite this the overall structure has an inherent validity. The speed and extent of policy development also proved to have a significant impact on policy community – as indicated by Richardson and Jordan (1979) in their early development of their policy community approach – but more widely offering that Dudley and Richardson (1996) in their adversarial policy community approach may have been closer to an explanation of the flaws of the original style. The development of alcohol policy has seemingly engaged periods of comparative calm and periods of considerable change or attempts at this that occasionally proved less productive. Although when these new participant departments tried to have influence, and the established communities sought to resist this change, there was evidence of an adversarial community even if it was unsuccessful in taking the place of the incumbent.

Scotland offers a case study where a strong argument can be made that the approach of adversarial policy communities applies. An initial caveat that their policy communities were not developed over time, but instead more specifically designed with the group membership desired has played in role in different outcomes. The SNP effectively changed the game by moving influence to a new policy community – yet that their policy was ready to go and already in the civil service system indicates there was an adversary – which was instead empowered by the shift in desired outcome. The examples in licensing and pricing offer evidence that the close engagement of alcohol-producer groups tends to lead to either incrementalism over the longer term or greater liberalism of alcohol policy in the shorter term. In Scotland, these outcomes are not as consistent. Indeed measures that go counter to decisions in England and Wales or in some cases further despite objections from these groups questions their alleged dominance in policy, whilst the practical challenges Scotland has faced, and continues to, indicates that there are costs from moving to a policy community with less of a focus on delivery. This offers some support for the Richardson and Jordan (1979) analysis of the importance of long-term relationships built up over time with these

groups – relationships matter for a fuller analysis of what can actually be done but may also be a limiting factor on change or an excuse for inaction.

Overall the study of cases of alcohol policy development has shown that even with large historical gaps, policy communities can be found surrounding specific areas – and communities that show a consistent, if not identical membership. It has also demonstrated that policy communities are dependent on being able to fulfil, or at least begin the journey, towards government objectives – if they cannot an alternative will be found. This alternative can sometimes be seen as an adversarial policy community but this itself is not a constant. There are competitive policy communities, but they are not always adversarial – there is an outsourcing element that can be integrated into the wider approach. It bears more similarity to a chimpanzee tribe – with alphas and betas who compete, but have similar characteristics, alongside non-competing omega elements that exist under either leadership structure fulfilling their assigned tasks. Within this approach it would be considered that there may not be a network spectrum of styles into which policy communities fit but instead a number of different devices with policy communities an approach that explains certain areas – and have consistently proved effective for policy development and implementation.

The variation in policy communities is considerable but in general, delivery of policy remains the key factor. Adversarial, competitive or outsourced policy communities only prove effective if they can actually deliver policy outcomes. If they do not then their usefulness as a tool of governance is removed. This does not mean they are removed from the context of the policy, but instead makes the environment more challenging. Scotland and its quest for minimum unit pricing has shown that policy can be delivered with a network environment that does not have a policy community with a delivery element. Although it makes this harder, longer and as of yet the outcome remains uncertain. Their different move on the drink-driving limit, which so far seems to have been delivered, may also indicate that the traditional negotiated approach may not be as successful as once thought with an over dominance from more established interests within the community suppressing what could have been implemented by incremental measures if they had desired.



By seeking evidence for the Dudley and Richardson (1996) approach of adversarial policy communities, with elements of the operationalisation adapted from Daugbjerg (1998), the development of alcohol policy is clearer and more understandable. The approach remains imperfect, with further development needed. This thesis has indicated that the adversarial approach demonstrates that whilst each policy community is relatively closed, that they form without necessarily having primacy in a policy area, there is almost a policy community for every interest. It is a competitive environment where teams are formed, yet some groups can and do join more than one. The standard operation of a policy community is incrementalism, we find the adversarial nature when disruption and larger scale change occurs – with a previous core community losing control to develop a policy, or after it has. It will sometimes return, it will sometimes find a new adversary becoming the core.

Two features do not fit as neatly within the approach and need further consideration. The first is a condition most evident in drink-driving sub-policy, but occasionally in the wider comprehensive context – the cooperative outsourcing of policy development to an alternative community when the situation suits. This practice, most notably seen in the outsourcing when policy development was moved to the Department of Transport, alongside the motoring and road safety associations, was snapped back when the policy direction began to move against the core community's interest. In the same way in the comprehensive alcohol policy consideration, the way HM Treasury and its surrounding policy community pulled back policy on taxation from the Department of Health's policy community, which had presumed to have been given authority for a call for alcohol taxation to go up faster than inflation following the CPRS report in the 1980s. The secondary dimension to this is whether a group can turn from being a cooperative ally to an alternative that seeks to displace the primary group – something that reflects elements of the Licensing Act 2003 when the policy community surrounding the Department of Culture, Media and Sport took control of licensing from its predecessor that surrounded the Home Office – early indications were that they were cooperative, until external factors made it advantageous for the DCMS community to split and take authority.

This relationship can be better, but not comprehensively, described as having several features in common with an animalistic hierarchical structure within a tribe. There are many participants or members, with a basic common cause, but also individual interest of both survival and influence that at times will trump this common cause. There is a basic structure – an alpha, a beta and even some clear omegas – with the alpha having the key responsibilities, but able to move work to the betas and omegas. Most of the time this is cooperative and mutually beneficial, but if the beta or omega performs activities against the alpha's interests they will retaliate and remove authority – as shown in the drink-driving example. Yet, if the beta, or an ambitious other member, sees weakness or opportunity they will act to remove power from the alpha – taking that role for themselves. Indeed arguably, an alpha policy community may, like its animal equivalent, age and become weaker as external events disrupt – giving opportunity for another policy community to climb the hierarchy.

## **7.5. Conclusion**

Alcohol-producers and retailers may have effective working relationships with government departments and other venues responsible for policy development. To extrapolate from this, a conclusion that this is the reason for policy outcomes perceived as negative is open to considerable challenge and argument. Their involvement, all the evidence indicates, is both as an interested party and more importantly as a delivery agent for government – they have been removed or replaced when their ability to delivery policy direction or objectives does not match. The alcohol industry's interests have also diverged over time – as the combined producer/retailer relationship or business structure declined. The indication is that alcohol is complicated, but it is about being able to actually deliver what their commissioners, the government, effectively wants. To interpret that alcohol groups bear exclusive responsibility for policy perceived as negative misses the point that there remains a government hand on the tiller and as such the argued position of dominance, or similarity to tobacco, does not appreciate the wider status of alcohol policy within government decisions. Industry influence is a considerable factor within alcohol policy development, across its wide array of linked, but separate policy areas and competes with other factors which set

direction of travel. This includes government policy direction, which is also influenced by how a policy area is identified and framed, and which government department or venue influences this area. This can be a challenge to industry influence, such as with minimum unit pricing in Scotland, and can be to its advantage, such as licensing change in England and Wales. They do not dominate these developments and adapt to the changing policy desires.

In considering whether the policy community is a legitimate situation of governance, there are multiple considerations. That the Dudley and Richardson (1996) approach of adversarial policy communities, once operationalised, provides a more complete fit, for the example of alcohol policy development is evident although the approach itself is still in need of further development. Of this and the traditional Richardson and Jordan (1979) work indicates that the policy community approach retains value for the understanding of policy development – being of considerable use in explaining and understanding the politics of alcohol in the 20<sup>th</sup> and 21<sup>st</sup> centuries within the United Kingdom – whilst asking further questions beyond the scope of this thesis on the legitimacy of that policy – as to the question of democracy and governance in the round, not as one of being against the public good. On legitimacy itself there is an argument for agency – the agents of change of policy are involved in its development. If agency is unavailable an alternative community will become the core – it is not a static, rigid system with defined interests guaranteed influence. It is at worst a limited factor in terms of securing government policy objectives – at best it is an agent of realistic, practical development of policies that can be implemented. Fundamentally, when a policy community becomes core that does not have this agency, there is a slowdown in the process – democracy and legitimacy are clearly linked – so a policy community that does not seek to implement democratic will is illegitimate. Whatever the circumstance a policy community, network or government that cannot implement democratic will because of a lack of agency also has questions to answer. If legitimacy can be understood to be the implementation of policy that develops or delivers the will of a democratic government then the adversarial policy community approach can be understood to be a legitimate.

This thesis has indicated the complexities to the development of alcohol policy and that the reasons for the consistency in alcohol's groups influence is far more complicated than being a single, overwhelming force dominating policy. The adversarial policy community approach is an effective tool in analysing and understanding the development of alcohol policy – seeking and to an extent finding the answers as to who governs the policy of alcohol. Policy communities as a concept have been utilised to explain an area in a more balanced context than focusing on the end policy – considering the role structure plays. It has also identified that adversarial policy communities help to explain some of the flaws highlighted in the traditional approach, in a more useful way than limiting the concept in the generally considered Marsh and Rhodes (1992a) construct. The phrasing of adversarial may be a flaw in the description of the updated policy community approach, but when considered in the widest interpretation, the cooperative yet competitive environment described within the adversarial policy community approach is an improvement that helps to explain not only who governs it but also the course of development of alcohol policy in the twentieth and twenty-first centuries. What is apparent throughout the consideration of the development of UK alcohol policy is that the traditional approach of Richardson and Jordan (1979) with their framing of policy communities, still has much to offer in helping to understand British governance – with the work of Dudley and Richardson (1996) providing further development of their adversarial policy community approach that improves the understanding of policy development. The case studies surrounding the development of alcohol policy have offered further considerations for developing this approach in considering the opportunities for collaboration and outsourcing within this adversarial environment to create a more dynamic and improved explanatory mechanism for policy communities.

## Chapter 8

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## Annex A

**Table A.1.: Alcohol Legislation – Overview from the 12<sup>th</sup> Century to the 21<sup>st</sup>**

Year	Regulation	Notes
<b>1188</b>	"Saladin Tithe"	Believed by Brewers to be the first tax on beer (not verified)
<b>1215</b>	Magna Carta	Set there should be a standard size for wine and ale
<b>1267</b>	Assize of Bread and Ale	Set standard prices for beer/ale
<b>1277</b>	Assize	Formerly set standard sizes for ale
<b>1285</b>	Statuta Civitatis London	Regulated closing times for taverns
<b>1496</b>		Appearance of the 'Alehouse Recognizance' where a lesser than full license can be issued by two Magistrates with a surety offered
<b>1642</b>		First verifiable excise paid on alcohol to fund the Civil War
<b>1729</b>	Gin Act 1729	First attempt to regulate gin sales - fails and repealed 1732
<b>1736</b>	Gin Act 1736	Increased regulatory fees considerable - generally seen as a failure
<b>1743</b>	Universities (Wine Licences) Act 1743	Restricted the previous unlicensed sales of wine within a University
<b>1750</b>	Sale of Spirits Act 1750	Restricted sale of gin to authorised sellers and increased licensing fees - more of a success
<b>1828</b>	Ale House Act 1828	Consolidation of all previous licensing law - removed difference in types of licensing except category licensing
<b>1830</b>	Beerhouse Act 1830	Further permitted for licenses to be issued on a wider, lower cost basis
<b>1834</b>	Beerhouse Act 1834	Introduced the concept of 'on' and 'off' trade

<b>1840</b>	Beerhouse Act 1840	Required that a license holder actually occupy their premises (rather than using a name of another who is in good standing)
<b>1842</b>	Licensing Act 1842	Update of regulations, fines and smaller measures
<b>1869</b>	Wine and Beerhouse Act 1869	Greater regulation of volumes of sale, some review of judicial licensing procedure
<b>1870</b>	Wine and Beerhouse Act Amendment 1870	Further review of judicial licensing procedure (relating to delays)
<b>1872</b>	Licensing Act 1872	Standardised fines, proceedings, time difference between 'beer houses' and 'refreshment houses', banned under-16 from drinking spirits, power to remove drunkards
<b>1874</b>	Licensing Act 1874	Legal requirement to not serve drunkards and remove them appears
<b>1880</b>	Beer Dealers Retail Licences Act 1880	Increased ability to reject a license on appropriateness rather than character
<b>1882</b>	Beer Dealers Retail Licences (Amendment) Act 1882	Offered further grounds, as above
<b>1886</b>	Intoxicating Liquors (Sale to Children) Act 1886	Moved the legal alcohol purchase age to 13 (though may have unintentionally revoked 1872 order on spirits)
<b>1898</b>	Inebriates Act 1898	Ability for the state to send a 'habitual drunkard' to a state inebriate reformatory - and makes it a criminal offence for a convicted inebriate to seek alcohol
<b>1901</b>	Intoxicating Liquors (Sale to Children) Act 1901	Moved the legal alcohol purchase age to 14
<b>1902</b>	Licensing Act 1902	Tightened the law related to serving and dealing with drunkards

<b>1904</b>	Licensing Act 1904	Rise of the temperance movement saw an act when a license up for renewal could be turned down and compensation paid for the closure of the venue, established the 'Compensation Authorities'
<b>1908</b>	Children and Young Persons Act 1908	Made it illegal for any child under 14 to enter licensed premises, made it a crime to give alcohol to a child under 5
<b>1910</b>	Licensing (Consolidation) Act 1910	Greater highlighted the 1904 Act and formalised elements surrounding levies and compensation, again banned under 16 from spirits
<b>1918</b>	???	"Government Ale" price controls introduced in October for specific brew
<b>1923</b>	Intoxicating Liquor (Sale to Persons Under Eighteen) Act 1923	Made 18 the legal drinking age (16 with a meal)
<b>1961</b>	Licensing Act 1961	Update of the law with some liberalisation, but using the existing framework.
<b>1964</b>	Licensing Act 1964	First full consolidation of all licensing laws in a century, put in place wider hour restrictions, new style of regulation for licensees and variety of statutory requirements.
<b>1967</b>	Licensing (Amendment) Act 1967	Minor amendment on renewals for off-licenses, with less regulatory pressure on them
<b>1976</b>	Licensing (Amendment) Act 1976	Increased hours for special circumstances (in preparation for Silver Jubilee)
<b>1981</b>	Licensing (Alcohol Education and Research) Act 1981	Remove the previous 'compensating authorities' and set up AERC

<b>1988</b>	Licensing Act 1988	Limited expansion to previous Act - removes the 'afternoon closing' gap so pubs can open all day and extends drinking up time by ten minutes (to twenty minutes)
<b>1988</b>	Licensing (Retail Sales) Act 1988	Tightens up regulations which left gaps for people to sell alcohol without a license
<b>1990</b>	Licensing (Low Alcohol Drinks) Act 1990	Redefine a low-alcohol drink from 1.2% ABV to 0.5% ABV
<b>1994</b>	Weights and Measures (Intoxicating Liquors) Order	Allows for 35ml spirits measure
<b>1996</b>	Licensing (Sunday Hours) Act	Allows for extending Sunday opening of licensed venues
<b>1996</b>	Deregulation (Long pull) Order 1996	Removes as an offense serving of alcohol in excess of what was ordered
<b>1997</b>	Confiscation of Alcohol (Young People) Act	Permitted the confiscation of alcohol held by or for young people in public or certain other places
<b>2003</b>	Licensing Act 2003	Comparatively deregulatory - allowed for flexibility in hours, move authority to local councils, four key 'objectives', evidential burden, regulated serve size in on-trade, full de-regulation on off-trade
<b>2006</b>	Violent Crime Reduction Act	Alcohol Disorder Zones introduced, 'Three strikes and you are out' on licensing breaches
<b>2009</b>	Policing & Crime Act 2009	Introduced Mandatory Code for Alcohol Sales: promotions banned, age verification scheme, drinking water, smaller drinks measures
<b>2010</b>	Crime & Security Act 2010	Early Morning Restriction Orders put on to statute book

<b>2011</b>	The Beer (Amendment) Regulations 2011	Introduce new duty bands for beer (discounted below 2.8% ABV, increased over 7.5% ABV)
<b>2011</b>	Police Reform & Social Responsibility Act 2011	Late Night Levy', more fleshing out of EMROs, reduction in evidential burden for licensing decisions, increased fines/punishments for underage sales, vicinity test removed, health and licensing authorities become 'responsible bodies'
<b>2012</b>	Alcohol (Minimum Pricing) (Scotland) Act 2012	First legislative attempt to introduce Minimum Unit Pricing – after much dispute came into force in 2018.